

nual income returns of such corporation and of its subsidiaries. Any shareholder who pursuant to the provisions of this section is allowed to examine the return of any corporation, and who makes known in any manner whatever not provided by law or permitted by regulation the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any such return, shall be guilty of a misdemeanor and be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding 1 year, or both.

"(e) The Commissioner shall as soon as practicable in each year cause to be prepared and made available to public inspection in such manner as he may determine, in the office of the collector in each internal-revenue district and in such other places as he may determine, lists containing the name and the post-office address of each person making an income-tax return in such district."

RECESS

Mr. HARRISON. Mr. President, we have worked pretty hard today, and I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 45 minutes p.m.) the Senate took a recess until tomorrow, Friday, April 13, 1934, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 12, 1934

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D.D., offered the following prayer:

Our divine Father, Thou whose heart throbs with yearning and who waits to forgive, let in Thy light, whose splendor streams through the countless windows upon this old, rugged world. Show us Thyself that we may see ourselves. We thank Thee for divine love touched with pity. Oh, the blending of majesty with sympathy, of strength with gentleness, of passion with repose, of perfection with sinful, sorrowing men. Blessed Lord God, how inaccessible Thou art; yet we see Thee in our Savior's compassion, which arches over all like a rainbow from sky to sky. Heavenly Father, sustain us in our daily circumstances and experiences. Be with us, bravely fighting, nobly living, patiently suffering, and joyfully climbing, all because we live. Glory be unto Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

A PARLIAMENTARY QUESTION

Mr. WARREN. Mr. Speaker, I rise to propound a parliamentary inquiry.

I have always thought that this fool discharge rule that we have here in the House is an abomination; that it is an ever-present threat to orderly procedure, party responsibility and leadership, and that it will finally club off the heads of its proponents and those who seek to perpetuate it. Believing as I do, I should like to see it made as odious as possible. I therefore hesitate to propound this inquiry that might make it more palatable.

In yesterday's Washington Times there appeared an article on the McLeod bill which stated that a petition was on the Speaker's desk to discharge the committee. This article carries the names of 123 Members of the House who have signed the petition and it has been published now to the world. We have a clear-cut decision on this rule, although it was only adopted in December 1931. The first discharge petition, as I now recall, was one to discharge the Committee on Rules from a bill that was reported out by the Committee on Irrigation and at that time—February 23, 1932—Mr. Hall, of Mississippi, called attention to the presence of the petition on the Speaker's desk. Speaker Garner at that time ruled:

Any Member desiring to file such a petition may file it with the Clerk and notify the Members, as he sees proper, either from the floor or by written communication. These signatures cannot be made public until the required number of Members have signed the petition.

Mr. Speaker, I desire to ask by what authority any Member, officer, or employee of the House has given out this

information in violation of the rules, or if there has been any relaxation in that rule?

Mr. O'CONNOR. Will the gentleman yield?

Mr. WARREN. I yield to the gentleman from New York.

Mr. O'CONNOR. I am glad the gentleman has brought up this point, because it recalls to me the time when there was a petition on the desk, Mr. Longworth being the Speaker, and the names were given out to the public in some way. There was also an allegation at that time that somebody had taken the petition book or paper off the desk and had gone out on the steps of the Capitol and had it photographed, with a great hullabaloo and show about the matter. At that time Speaker Longworth suggested to some of the leaders of the House that he would welcome an investigation and would gladly appoint a committee to investigate the matter and submit it to the House for proper punishment to be inflicted upon anybody who was guilty of disclosing the names on the petition before it had been completed. He felt, and the leaders did, that such conduct was a gross violation of the rules of the House.

Mr. McDUFFIE. Will the gentleman yield?

Mr. WARREN. I yield to the gentleman from Alabama.

Mr. McDUFFIE. I am glad the gentlemen from New York, who is a prominent member of the Rules Committee, is present, because I shall ask him as a member of that committee if he thinks there is a possibility of having his committee report a resolution that he has introduced, not repealing the discharge rule, and I do not think the House wishes to repeal the discharge rule, but to amend it so that when a majority of the Members of this House signify their intention or suggest by signing a petition for the discharge of a committee, even the Rules Committee, from further consideration of a bill, such a bill can and should be presented to this House for consideration. May I say, as the gentleman from North Carolina has so well said, I know of nothing that this House could do that will interfere more with orderly procedure than to continue to operate under the present discharge rule.

It is an ideal thing, it is true, for a block or a minority, to be used, not altogether for purposes of good legislation, but for political purposes. It is a millstone about the neck of the majority charged with the responsibility for legislation. We, the majority, are held responsible for legislation. A minority has its useful purpose. Under our form of government indeed it is well to have a minority in the legislative branch of the government.

Mr. SNELL. Will the gentleman yield for a question?

Mr. McDUFFIE. I yield to the gentleman from New York.

Mr. SNELL. The gentleman would not lay the adoption of this rule to the present minority?

Mr. McDUFFIE. Not at all. Nor did I suggest that.

Mr. SNELL. I just wanted to know the gentleman's attitude.

Mr. McDUFFIE. I am hoping the gentleman, who is a good legislator, will join with those on this side who wish to eliminate or amend the rule so as to provide that a majority of the Members of this House may have any legislation considered that such a majority may deem necessary. It is wrong for 145 Members of this House to force 435 Members to consider and vote for bills that may not be approved by a majority.

I have had gentlemen in this House who at first were thoroughly in favor of this discharge rule but who observed its operation, tell me that they now appreciate the handicaps of such a rule, and that they are now willing to eliminate or amend the rule.

I am calling upon the leaders of this House, whose hands I have tried to uphold, and especially upon the Rules Committee, to report the resolution offered by the gentlemen from New York, [Mr. O'CONNOR] to amend the so-called "discharge rule."

Mr. PATMAN. Will the gentleman yield?

Mr. McDUFFIE. I yield to the gentleman from Texas.

Mr. PATMAN. The gentleman realizes that 21 members of a committee can get consideration of any proposal. The

gentleman further realizes that one Member of the other body may get consideration of any proposal. Does not the gentleman believe that 145 Members of this House should receive as much consideration in reference to getting consideration of a proposal as 21 members of a committee or one Member of the other body?

Mr. McDUFFIE. This House is thoroughly representative of the sentiment of the American people and this sentiment is reflected in the committees as well as on this floor. The committees will act when a majority sentiment of this House is in favor of action. I believe in majority government. The trouble with this Government today is that we are drifting toward block government, a government by minorities, the very thing that this administration is trying to obviate, if you please, and the very thing, under our form of government, which will ultimately lead to the destruction of the government.

Mr. COLDEN. Will the gentleman yield?

Mr. McDUFFIE. I yield.

Mr. COLDEN. I wish to inquire of my esteemed colleague if he would require—

Mr. BLANTON. Mr. Speaker, I rise to a point of order. This violation of the rules of the House was by the Hearst newspapers. No newspaper in Washington knows our House rules better than Mr. Hearst's, for he once served in this House.

Mr. RICH. Regular order, Mr. Speaker.

Mr. BLANTON. I am making a point of order, which is the regular order.

Mr. BOILEAU. Mr. Speaker, regular order.

The SPEAKER. The gentleman from Texas is stating a point of order.

Mr. BLANTON. I have the floor on a point of order.

I repeat that no newspaper knows better what the rules of the House are than the Hearst newspapers. They have deliberately violated this rule. They do not care anything about the rules of the House.

Mr. BOILEAU. Mr. Speaker, I make the point of order that the gentleman is not discussing the point of order.

Mr. BLANTON. But the Speaker has held I have the floor on my point of order. I repeat the Hearst newspapers know the rules of this House, yet deliberately break such rules. They deliberately ignore the House rules.

Mr. BOILEAU. Mr. Speaker, I make the point of order that the gentleman from Texas is not addressing his remarks to the point of order.

Mr. BLANTON. I am addressing the Speaker of this House on my point of order.

The SPEAKER. The House will be in order and the gentleman from Texas will proceed.

Mr. BLANTON. What do the Hearst newspapers care about the rules of the House?

Mr. SNELL. Mr. Speaker, I do not care to get into this, but this is not the proper time for such a statement if the gentleman is making a point of order.

Mr. BLANTON. I want to submit to the Speaker that on his own motion he ought to appoint a committee to find out what employee of this House, or what Member of this House, has violated the rules and given these names to the Hearst newspapers.

I want every colleague in this House to look in this morning's Herald and see how the Hearst newspapers try to make monkeys out of the Members of the United States Senate. After printing all of the names of the 46 Senators who were for the Couzens' tax amendment, Hearst's Herald this morning said they are "all members of the new demagogic party", and that they are "all believers in un-American class distinction and discrimination", and that they are "all supporters of the cold deck and the misdeal", and are "all headed for the discard."

Just how much longer will the House and Senate stand for that?

Mr. McDUFFIE. Mr. Speaker, the gentleman from North Carolina [Mr. WARREN] very kindly yielded to me, and I assure the House I shall detain them but a moment longer.

Mr. COLDEN. I desire to ask my esteemed colleague why he would require such a petition to have 218 signatures when that is more than is required to pass the average bill in this House; in other words, you are stifling the House and such a number is not based upon the number shown on the roll calls that have been had in the House.

Mr. McDUFFIE. Mr. Speaker, I did not mean to precipitate all this trouble. I simply rose to say that I was ready to join with the Speaker and the leader and others in authority in the leadership of this House to act promptly and immediately to amend the rules of the House by eliminating this assinine discharge rule. There are now about 25 petitions for discharge of committees on the Clerk's desk, and under this foolish rule there is no telling what manner of bill the Members of this House will be called to vote on if the Congress remains here long enough. Such a rule means legislation by petition of blocks and minorities.

Mr. BYRNS. Mr. Speaker, will the gentleman from North Carolina [Mr. WARREN] yield to me a moment?

Mr. WARREN. Certainly.

Mr. BYRNS. I need not tell this House what I think of the discharge rule permitting 145 Members to take from a committee the consideration of important legislation pending before that committee. There is, of course, a reason, and a good reason, for the appointment of committees. We are getting to the point now where we are undertaking to legislate by discharge of committees rather than giving the committees an opportunity to report upon the bills pending before them. I do not have to tell you gentlemen how impossible it is for this House to legislate on the floor of the House upon any important matter of legislation. The very idea in appointing committees is to give them an opportunity to investigate and have hearings and report measures to the House so that the House may have complete information before it is called upon to vote.

Something has been said about amending this rule. The Speaker—and I take it I am authorized to say this—and myself and other gentlemen upon the floor of this House made a very earnest effort at the special session to get up a resolution amending the rule, and again at the beginning of this session. I think that a majority of this House should always have the right to control legislation, but I do not think any minority should have the right, over the protest of a majority, to take an important bill from a committee which is considering it and have the measure considered here on the floor of the House without the deliberation which all legislation should receive.

Mr. MARTIN of Massachusetts. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. MARTIN of Massachusetts. Why did not the gentleman bring up the resolution amending the rule, which the Committee on Rules reported out over a year ago?

Mr. BYRNS. I will tell the gentleman why. I spoke to many Members on his side of the Chamber as to whether or not they would give their support to an amendment of this rule, and I was never able to get the slightest intimation from any Member upon the Republican side that he would give us such support. The gentleman himself is upon the Rules Committee—

Mr. MARTIN of Massachusetts. Does the gentleman want to admit that with a majority of 3 to 1 he cannot control the House?

Mr. BYRNS. It is not a question of control. It is the question of the Republican Members, who did not have this particular rule, joining those Democrats who are honestly opposed, and defeating it, as they did the rule when it was before the Rules Committee. The gentleman is a member of the Rules Committee, and I want to ask the gentleman, and, of course, he is privileged to speak of his own action, if he was not against that rule in the committee.

Mr. MARTIN of Massachusetts. I voted against it, and if you bring it up I will vote against it again, but you have not had the courage to bring it up.

Mr. BYRNS. How can we bring it up when the gentleman's committee has failed to report it out?

Mr. MARTIN of Massachusetts. How many votes would you need to bring up that rule?

Mr. BYRNS. We would need to have the committee first report it.

Mr. MARTIN of Massachusetts. The committee has reported the bill.

Mr. BLANTON. After we bring it up, will the gentleman support it?

Mr. MARTIN of Massachusetts. No.

Mr. BLANTON. Will the gentleman from New York [Mr. SNELL] support it—no.

Mr. BYRNS. I think the rule ought to be amended, but I think it should be amended at the beginning of a session. After you get up a proposition such as the one pending now, I do not know whether we can amend it or not, or, indeed, whether it would be the fair thing to do; but I do want to appeal to the Members on this side of the Chamber who have not signed this petition to permit the committee which has the measure under consideration to report on it so that it may be considered in the regular way and with due deliberation. [Applause.]

The SPEAKER. The Chair is ready to answer the inquiry by the gentleman from North Carolina. The Chair will read the part of the rule applicable to the gentleman's inquiry.

Clause 4, rule XXVII:

"4. A Member may present to the Clerk a motion in writing to discharge a committee from the consideration of a public bill or resolution which has been referred to it 30 days prior thereto (but only one motion may be presented for each bill or resolution). Under this rule it shall also be in order for a Member to file a motion to discharge the Committee on Rules from further consideration of any resolution providing either a special order of business, or a special rule for the consideration of any public bill or resolution favorably reported by a standing committee, or a special rule for the consideration of a public bill or resolution which has remained in a standing committee 30 or more days without action: *Provided*, That said resolution from which it is moved to discharge the Committee on Rules has been referred to that committee at least 7 days prior to the filing of the motion to discharge. The motion shall be placed in the custody of the Clerk, who shall arrange some convenient place for the signature of Members. A signature may be withdrawn by a Member in writing at any time before the motion is entered on the Journal. When Members to the total number of 145 shall have signed the motion, it shall be entered on the Journal, printed with the signatures thereto in the CONGRESSIONAL RECORD, and referred to the Calendar of Motions to Discharge Committees."

This matter has been passed upon before when presented to Speaker Garner, and with reference to this matter he said:

Any Member desiring to file such a petition may file it with the Clerk and notify the Members as he may see proper, either from the floor or by written communication. These signatures cannot be made public until the required number of Members have signed the petition.

There is a reason for not publishing the names, of course. Publishing the names in the newspaper invites people generally throughout the United States to bring pressure on those who have not signed the petition to sign it, and pressure upon those who have signed the petition to take their names off. Publication of the names of those who have signed the petition before it is published in the RECORD and the Journal has the effect to deny completely to the petition that secrecy to which it is entitled under the rule.

The Chair holds that the publication of the names prior to the signing of the petition by 145 Members was improper and should not have been done.

CITIZENSHIP AND NATURALIZATION

Mr. BANKHEAD, from the Committee on Rules, reported the following resolution, which was referred to the House Calendar and ordered to be printed:

House Resolution 329 (Rept. No. 1229)

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H.R. 3673, a bill to amend the law relative to citizenship and naturalization, and for other purposes; and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and shall continue not Chairman and ranking minority member of the Committee on

to exceed 3 hours, to be equally divided and controlled by the Immigration and Naturalization. The bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. RICH. Mr. Speaker, under the decision of the Speaker with reference to the McLeod bill, what is going to be done about it?

The SPEAKER. The Chair is not deciding anything in reference to the McLeod bill. The Chair in answering the parliamentary inquiry of the gentleman from North Carolina stated that the publication of the names was a violation of the rule, and so rules.

ORDER OF BUSINESS

Mr. BYRNS. Mr. Speaker, I want to present a unanimous-consent request, and in explanation I want to say that there are on the calendar seven Senate bills known as jurisdictional bills. They are on the Speaker's desk. In other words, they are bills simply referring certain claims to the Court of Claims for consideration and decision. So far as I know there can be no possible objection to this reference. They have been reported by the committees of the House, and as I understand, unanimously. There is nothing involved except the question whether or not the claims shall be referred to the Court of Claims.

Mr. SNELL. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. SNELL. My attention has been called to the bills but I have not been over them carefully. Some of the bills I remember way back when I was a member of the Committee on War Claims of the House. I wonder if the gentleman has given attention enough to them to know that a great number of them would run into millions of dollars if they got judgment in the Court of Claims, and also that the statute of limitations has run against some of them—I do not know that it has run against all of them.

Mr. BYRNS. I will say to the gentleman frankly that I have not had an opportunity to do so. It was in my mind that some of these seven bills are meritorious, and perhaps all of them.

I believe these bills ought to be considered one by one, and let the House pass on them. If there is any objection to them on the part of any Member, of course, they will not be passed.

Mr. SNELL. Just what was the unanimous-consent request?

Mr. BYRNS. The request I was about to submit was that there be first called the following Senate bills: S. 1934, S. 1935, S. 503, S. 2905, S. 2898, S. 232, and S. 1091.

Mr. SNELL. The gentleman just wants to have them called now?

Mr. BYRNS. My request is that they be first called, and then after they have been disposed of, that we proceed with the calendar.

Mr. SNELL. I would not object to that. I thought the gentleman wanted them passed right now.

Mr. BLANCHARD. Reserving the right to object, have these Senate bills been to the House Committee on Claims?

Mr. BYRNS. My information is that the Senate bills have not, but House bills upon the same subject have been before the House committee and are now upon the calendar.

Mr. BLANCHARD. The request is to call them first on the calendar today?

Mr. BYRNS. Yes.

Mr. BLANCHARD. Of course, I would have to object to that, because no one has had an opportunity to look them over.

Mr. BYRNS. Oh, they are on the same calendar.

Mr. BLANCHARD. But they are not the first bills to be called, and have not been examined.

Mr. BLANTON. Oh, yes; we who work on this calendar have examined them, and the Clerk will call the calendar

number, and all there is to do is to turn to the bill on the calendar.

Mr. BLANCHARD. Well, I object to that request.

Mr. BYRNS. I submitted the request yesterday, and I understood from that side that the matter would be looked into and that there would be no objection.

Mr. BLANCHARD. If the gentleman will modify his request that they may be called up during the day sometime, I will not object.

Mr. BLANTON. Then we will go right back to the start.

Mr. BLANCHARD. I am not going to permit them to be disposed of except by objection, and I do not want to do that, because I want an opportunity to look them over.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. TABER. Reserving the right to object, Mr. Speaker, if the gentleman will prefer a unanimous consent request that on the next day on which the Private Calendar is called, these will be called first, I shall not object, but if it is going to be asked that they go ahead now, I shall object. If the gentleman will modify his request so that they could be first on the next day the Private Calendar is called, I shall be satisfied, but I shall object if it is to be done today.

Mr. BYRNS. Of course, the gentleman can control that, and I will have to withdraw my request if the gentleman insists. I will submit the request in a modified form, as suggested by the gentleman from New York, that at the next call of the Private Calendar the bills which I have enumerated will be the first called.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. TARVER. Reserving the right to object, I desire to ask if among those bills there is one for the relief of George A. Carden and Anderson T. Herd, which proposes to vest the Court of Claims with jurisdiction to consider the claims of these gentlemen, under which an award might be made of a large amount. Is that bill included in the list which the gentleman named?

Mr. BYRNS. I do not know the bill, but someone tells me that it is included.

Mr. TARVER. I shall object to there being accorded a bill of that character special consideration.

Mr. BYRNS. If this request is granted, the gentleman will have a right to object to the bill when it is called.

Mr. TARVER. I understand that, but I am not willing to agree that that bill shall be given preferential consideration.

Mr. BYRNS. I do not know anything about the bill to which the gentleman refers. I have the bills by numbers, but not by title.

Mr. TARVER. The bill was reported from my committee—that is, the House bill—but the Senate bill, I presume, is the same thing.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee, as modified?

Mr. TARVER. Unless there is withdrawn from the request the Herd and Carden bill, I object.

Mr. BYRNS. What is the number of that bill?

Mr. TARVER. I do not know the number of it. That is the one that involves the question of vesting the Court of Claims with jurisdiction to consider the claims of these gentlemen for profits that they would have received had they been allowed to operate certain ships during the World War.

Mr. BYRNS. Mr. Speaker, I modify my request a second time to meet the views of the gentleman from Georgia [Mr. TARVER], and I hope it will be satisfactory to the other Members, by eliminating from the request the Senate bill which corresponds with House bill 8482, and to which the gentleman from Georgia has referred, as the claims of Messrs. George A. Carden and Anderson T. Herd. That would leave only six bills which would be given this preferential call.

Mr. TABER. The request is that they shall be called on the next day the Private Calendar is called?

Mr. BYRNS. That is the understanding.

Mr. McFADDEN. Reserving the right to object, has the gentleman in mind fixing another date for calling the Private Calendar?

Mr. BYRNS. Just as soon as we can, but I am not able to tell the gentleman when we can do it.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee, as modified?

There was no objection.

RICHARD A. CHAVIS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2032) for the relief of Richard A. Chavis, with a Senate amendment, disagree to the Senate amendment, and ask for a conference. The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. HILL of Alabama, THOMPSON of Illinois, and CARTER of Wyoming.

TOBACCO TAXES

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert therein a speech of my colleague from North Carolina [Mr. HANCOCK].

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech of my colleague from North Carolina [Mr. HANCOCK], before the subcommittee of the Ways and Means Committee, March 30, 1934:

Mr. HANCOCK. Mr. Chairman and gentlemen of the committee, may I, in utter sincerity, congratulate you for the very fair, earnest, and intelligent manner in which these hearings have been conducted. The cause of the farmer and the business man may ever expect fair and wise treatment, in my judgment, before the present constituted Ways and Means Committee, of which North Carolina's distinguished son, the Honorable R. L. DOUGHTON, is its able chairman. To my own knowledge, for years he has shown a keen interest in every form of legislation looking to the material well-being of the farmers of his own State and the country at large. I also want to say that, in my judgment, there is no man in this country, including the "brain trust" more competent to lead in the consideration of this question than my friend, the distinguished gentleman from Kentucky, the chairman of this subcommittee.

I feel that such an admirable case has already been made out for an immediate correction of the tax injustice which has for years laid its heavy, cruel hand upon the tobacco grower, that any attempt on my part might be useless at this time. I am, therefore, appearing not so much with the idea of making an intelligent contribution to the solution of this problem as I am for the purpose of manifesting my genuine interest.

In discussing this problem, I should abhor the idea of injecting any sectional view, for this is no time to see parts of this great Nation without seeing all parts. We must, if we meet our duty, keep our eyes constantly fixed on the country as a whole without regard to classes or groups. I should with equal abhorrence dislike to engage in maudlin or sentimental discussion. To my way of thinking, there is nothing that could happen of greater importance to a very large portion of the farmers of the South than immediate action by this Congress providing for an adjustment downward of the present excessive and monopolistic tax on tobacco products. Careful analysis shows that this tax finally rests upon the grower and his land. No sane man would be bold enough to undertake an argument in favor of its fairness. Plain, ordinary justice adds its condemnation. Shortly after taking the oath of office as a Representative from the State of North Carolina I began to battle against this injustice, and introduced a bill to cut the tax in half. One thing and another has, up to a few weeks ago, seemed to work against and frustrate every effort in this direction. We have at last, however, come to our day in court, and under the new deal I am confident that our efforts in this direction will not be in vain. In our approach to this problem we must consider the rights of all concerned, but in this consideration the welfare of the grower is paramount. This committee must, of course, concern itself with the fiscal condition of the Government, for upon the committee rests at times the unpleasant duty of exacting taxes from the people. Viewed in the light of present economic conditions, and particularly the problems of agriculture, all will admit that the grower, consumer, and manufacturer for years to come will be materially affected by the nature of such revision of these taxes as may be made, but none to the extent of the grower if the proper safeguards and regulations are applied.

Those who are familiar with the operations of the tobacco industry, removed from personal attachment and selfish interest, realize that there has never been an equitable distribution of the income and profits. With the Government exacting 3, 4, 5, 6, and sometimes 7 dollars in tax for every dollar received by the grower, and the manufacturers receiving in net profits an amount double the gross income received by the grower, and the consumer paying 15 times the price for the finished product that is paid to the farmer for the raw product, it takes no expert to see the blunder or admit the economic crime. A cursory review of all facts and figures shows that the invested dollar has been multiplied and protected at the expense of human labor and social justice. Fundamental human rights have been all but forgotten. This is not, however, peculiar to this industry.

A new conception of business fairness is in vogue, and a new application of neighborliness is slowly but surely finding lodgment in the business world.

No doubt the injustices of the past have been those human-nature characteristics visited upon man since the early days. With the awakening of a new public conscience and a greater social responsibility, I am confident that by proper Government regulation the welfare of all will come ahead of the welfare of a few. Few of the few would demand a different situation.

I have the honor and responsibility of being one of North Carolina's Representatives in Congress. The Fifth District, from which I come, is a large tobacco-producing district, and grows almost exclusively bright flue-cured cigarette tobacco. This same district is perhaps the largest tobacco-manufacturing district in the United States and pays through collections of taxes on tobacco products an amount larger than any other district in the United States, with perhaps one or two exceptions. Granville County, where I was born, has been a pioneer tobacco-growing county, and wherever tobacco has made its march of progress the leader could find his ancestry back in Granville. It is therefore little wonder that I make claim to an intimate knowledge of tobacco in whatever form it may be made or used. I am perhaps more familiar with the growers' problem than any other phase of the industry. It is his interest that I seek first to improve and then protect.

I would not at this time undertake to depict to you the horrible plight of his unenviable existence. Not more than 1 out of 4 years does the average grower of tobacco show even a meager profit. If his records were accurately kept on the same basis that an up-to-date business institution's records are kept, you would marvel at his courage and determination to carry on. It might conservatively be estimated that one third of the working people of North Carolina are engaged in some form of activity involving the making, handling, or processing of tobacco. The income from this work is the lifeblood of our State. The health, morale, and happiness of our people rise and fall in comparison to the income from tobacco. It is the sine qua non of our economic existence. Low and unfair prices for the past several years, together with other contributing factors, have reduced a large number of our people to abject poverty. Disease and undernourishment have attended those of younger years, and many a home has been wrecked on the rift of this economic dislocation. The privations and sufferings have been unbearable, and the dignity of good men's souls has been lowered. Under the present system a large percentage of our farmers are bound in slavery even as the children under Pharaoh were bound. They can no longer enjoy the freedom that was their fathers'.

Under the present system the tobacco farmer has little, if any, voice in pricing his product; it is not a question of what he will take, but it is a question of what he can get. He does not often even have a fair gambler's chance. I scorn and resent the idea that he would seek alms or charity from anyone. There is not another class of people in the world who have taken such punishment standing up and on the chin, so to speak. If you gentlemen could visit some of their homes and see the squalid conditions under which they must live, be patriotic, and rear their children to good citizenship, you would glory in their spunk, their faith, and their fortitude. No one can make me believe that the average capitalist who controls their labor and almost their very destinies is not as much ashamed of this situation as I am. It is not the men, but the system that I am attacking.

At this point I want to say that the growers of tobacco are not primarily concerned with any squabble between the manufacturers or with any legislation which does not look to the general welfare of all. They are interested in all those who make a market for their product. All of the properly operated companies serve a useful purpose and are no doubt needed in the trade. I have no financial interest whatever in any tobacco company, but I am concerned in seeing that their proper relative position in the economic picture is maintained and preserved. Any person who lives in the great State of North Carolina and does not feel likewise should, in my opinion, move his citizenship to another land.

In approaching a discussion of the immediate problem before this committee, I want to presume to remind you that Government is not something, but that Government is for something. It is today for the rehabilitation of the economic structure of this Nation, and to that end the President and the Congress are waging a valiant and, I hope, victorious battle. My effort to aid in the solution of this problem has no concern with the individual position of any manufacturer. I want to see such action taken by this committee as will best serve those whose needs are greatest and whose rights must be protected. The big issue, to my mind, is one of farm relief. What can this committee do to rehabilitate and stabilize this great agricultural industry and thereby contribute to the recovery program under way? I am not so much

concerned with the kind of tax revision as I am with the justice and effect of the tax revision, and after careful study and deliberate thought I submit the following views for your earnest consideration.

Looking back, instead of forward, will help but little in the solution of this problem. It is necessary to look at it realistically. In doing this we face two stubborn facts: There are in the Carolina-Virginia-Kentucky region, as well as sections of other States producing tobacco, a great multitude of people and a great extent of land hitherto engaged in the production of tobacco, mainly cigarette stock, which population and acreage cannot be transferred by any sort of sudden magic to other purposes. The other is that no sort of outside regulation of industry, in defiance of the laws of economics, can be made permanent. The question of a revision of the taxes is primarily a matter of concern to the grower, as well as of great social and economic importance to all our people. It is, however, the grower who needs most to hold and add to what has been gained for him under the new deal. A return to a situation in which he cannot make wages fair and in just proportion to the industry's income, after 1 year of fair prices following so long a period of unjustified, heart-breaking loss, would be worse than tragic. Leaving the war burden and the prohibition burden on tobacco, and particularly on cigarettes, makes for an ill-balanced tax program, and I seriously doubt if there is a single taxation expert who would not say that it not only lacks equity but is a blunder and worse than a crime. All of us are concerned in the solution of this problem, both as taxpayers and consumers. But these considerations concern us more intimately and more materially in the cigarette-tobacco section, because it has been conclusively shown during these interesting hearings that the reduction of the tax would benefit directly a class of our people numerically large and upon whose profits and income the rest of us are largely dependent—the growers of tobacco.

I am both delighted and encouraged that this committee has gone to work in earnest to study this question, with the idea of recommending to the Congress an equitable revision of these taxes. One proposal which has been sponsored before the committee is to reduce the tax so that the manufacturers of 10-cent cigarettes can have a safe margin to insure a continuation of their business and to provide for them a moderate profit. Some of the manufacturers of the 10-cent cigarettes reduced their prices several years ago, and, perhaps, at that time could not anticipate the increased costs resulting from a compliance with N.R.A. requirements and other governmental demands. They now seek a revision of the taxes on cigarettes on a classified or price-selling basis. The other proposal facing this committee would be to recommend to the Congress a uniform general reduction in the tax on all tobacco products. The theory of the proponents of the classified tax seems to be that their advent on the market has aided the price for the lower grades of the leaf. There is no doubt but that there is a large aggregate trade that will take cigarettes at 10 cents that will not take them at 12½ or 15 cents. An increased price for lower grades will certainly raise the average and the value of the cigarette-crop stock as a whole, provided the price of the higher grades is maintained. Would a classified tax or a differential to the 10-cent manufacturers aid in maintaining the higher-priced grades? I take it that no one here would consider seriously at this juncture any revision of taxes, the benefit of which would flow to the consumer and manufacturer alone. From the statement of profits made by the cigarette manufacturers, they show little, if any, suffering on the average throughout this entire period of business depression. If the importance of this matter did not lie primarily with the growers of tobacco, I could not approach it with any zeal or enthusiasm.

At the same time, I recognize that the manufacturers are interested in anything that tends to increase their volume of business. I also appreciate the much-needed saving, in the penny times we have been experiencing, which would accrue to the individual consumer if by a general reduction in the tax the price of cigarettes were, as they must be, lowered in full proportion. I have not the slightest doubt that if a proper general reduction of the tax rate were made, it would all be passed on by the manufacturers to the growers and consumers, with no benefit to the manufacturers except from an increased volume of business which would put them unquestionably in a position to push for even greater consumption, thereby further expanding the market for the farmer's overproduced product. In my candid judgment, that is what the grower needs and is the only thing that in the end will be helpful to the grower in the long run without such measure of governmental restriction of production as would tend to defeat its own purpose.

Let me divert to the fact that everything that has been done or is being done in Washington in aid of farm prices proceeds from the assumption, as is necessarily the economic fact, that price is a matter of balance between production and consumption. When more is produced than is consumed, prices are necessarily weak, and when less is produced than is desired for consumption prices are just necessarily strong. A natural balance of consumption and production means stable, satisfactory prices for the product. Balance can be restored in either of two ways when conditions permit. Of course, where there is no chance of increasing consumption to take up the overproduction—and thereby attain balance and a satisfactory price—there is no way out except through reducing production and getting that way the balance that makes price.

But, desirable as that method may be, it is always subject to the objection that even when it is successful in raising the price, the

grower gets that raised price only on a restricted production. How much better for him, and for the country generally and the recovery plan itself, if balance between production and consumption, with resultant satisfactory prices, could be worked out without too much restriction of production? Do not misunderstand me. I am not criticizing the Government's plan for trying to get the grower a good price. I have given my support as a Member of Congress to every such proposal. To see that the growers get good prices is the prime consideration. That is the main purpose of these hearings. But I am pointing out that if through expansion of consumption, on top of the Government's plan for restricting production, the good price when obtained could be obtained on a larger quantity of tobacco instead of a smaller quantity, the grower would thereby be enormously benefited above any benefit that can come to him through restriction of production without taking full advantage of opportunities for increasing consumption at the same time. It is as simple as saying that hogs will go up faster when the consumers double their consumption at a time when the producers are cutting their production in half than they will when the only thing being done is to have the producers reduce their production.

Here is the unique position of tobacco.

The possibility of an enormous increase in consumption of tobacco products is the thing that differentiates the tobacco grower's problem, and his opportunities, from the problem and the opportunities of the growers of any other farm commodity in this country. In this respect, tobacco holds a unique position, quite different from all other commodities. I know of no easy, immediately workable and effective way of greatly increasing the consumption of any other farm product than tobacco. What can be done to increase greatly and immediately the consumption of wheat, or corn, or cotton, or pork, or beef, or silk, or any other farm product, save tobacco, upon which the Government is at work? I know of no special opportunity and have heard none suggested for any special, heavy increase in consumption that can be made effective at once. The way to the market is already wide open for each of these products. No special barrier stands between the grower and a price for his product. Therefore, each of these products is now enjoying, however disastrous it may be, its full potential market under these conditions. Is that true of the tobacco grower's product? With the road, to whatever market there is, wide open for every other grower of a farm product in this country, the Government stands by the tobacco grower's road to market and exacts on cigarette tobaccos the grower would sell about \$1.08 a pound and on the tobaccos that go into smoking and chewing tobacco and snuff, \$0.18 per pound. Is that an open market, or even a fair market for the tobacco grower? Does that kind of a handicap placed on his product give him any fair opportunity for those who manufacture and sell his product to develop for him that full volume of consumption of his product that is open to every other grower of an agricultural product in this country?

No wonder the Government feels the urge to reduce production heavily. It has cut consumption enormously by almost prohibitive tax rates on the product, and if it is to continue to maintain rates that choke off consumption the only way to get that balance of production and consumption that will give the grower a satisfactory price is to choke off production, a process which, however well it may be justified in any given circumstance, always carries with it at least a partial defeat of its own purpose. I mean that even when price is attained, it stands, under a restricted production procedure, attained for a smaller volume of product instead of a larger, as would be the case if price could be obtained, to an extent, at least, through increasing consumption and without having to go too far in the matter of restricting production. Other things equal, the grower does not want his acres thrown out of use and himself out of work and opportunity. More use for acres instead of less, more work for the grower, more work in the warehouses and in the factories, more business for the distributors, greater volume all along the line from grower to consumer is the policy that fits with everything which I understand Mr. Roosevelt, our great and courageous leader, is trying to do in his attempt to effect recovery by eliminating unemployment and by making satisfactory farm prices possible. He well knows that there can be no lasting, permanent prosperity or human contentment until the farmer is liberated from his chains of economic slavery and paid for his labor and produce a price that will permit him to live and move as those who have been getting, in one way or another, the income that was rightfully his. The vast difference between the price he receives and what the consumer pays is a tale of unrighteousness.

Again I say that, in my view of it, the question to be studied by your committee has its prime importance for the grower and not for the manufacturer. I do not think that the manufacturer has a particularly big stake in it, but I do believe that this hearing with its resulting change in the tax law, if any, is of enormous importance to the grower.

And I believe, further, that if the growers really demand such a change in the law as will give them their best opportunity for a satisfactory market for their product in increased volume, the administration and the Congress will be very slow to deny that demand, even if the return to the United States Treasury is somewhat less at least for a while. But, in my opinion, no relief of this kind will be given the grower except upon his own and his true representatives' insistent demand for it. I can see a great opportunity for the growers in this situation, and I know that real aid to them is the first and controlling thought of this committee. The manufacturers have to admit that the excessive

taxes hurt the grower more than they do the manufacturer, and except as the growers are demanding the relief for themselves the Government will hardly act, because, of course, the United States Treasury likes that heavy return from tobacco products. And even the fact that while liquor taxes were out tobacco all but carried the full load that liquor and tobacco used to carry between them, and that liquor is now back, carrying its part of the old load, will not suffice to move the Congress except upon the demand of the growers. They are now paying both a maximum prohibition rate and a maximum war rate on their product. To illustrate by the cigarette tax, it went from \$1.25 a thousand to \$2.05 a thousand during the war, and then in anticipation of the loss of revenue from liquor in 1919 was pushed up to \$3, where it has been ever since.

The war and prohibition are only history now, but nobody has taken the war harness or the prohibition burden off the tobacco growers, and I think the growers are the only persons who can accomplish this removal. In the matter of tobacco taxes, the Government has its mouth on a wet teat, and it is not in nature to give up that kind of thing except on somebody's demand.

In this connection, I believe the committee will heartily concur in this further observation. If tobacco taxation is to be approached in the future, as in the past, almost exclusively from the point of view of the Treasury Department, then there will not, in my opinion, be much accomplished out of this hearing. But, gentlemen, this is the new deal. This is an attempt to deliver the country from a condition brought about very largely through the purchasing power of the farmer falling back until he could no longer buy the products of industry. A fundamental object is to rebuild the farmer's purchasing power. The farmer is out in front. He is a prime concern in the new deal. There is almost no reasonable limit to what will be considered and should be considered for him if only it offers promise of rehabilitation and stabilization of the farm situation. This of necessity must continue to be our great objective.

Only a few weeks ago authorization was made to spend \$200,000,000 to rehabilitate the beef-cattle industry. And that out of general funds. There are no special funds paid into the Government on account of the beef-cattle industry. But the product of the tobacco grower has been piling up in the United States Treasury for many years an annual return of nearly \$400,000,000, a thing no other farm product has ever done. Is the tobacco grower to be denied the benefits of a greatly increased market for his products through reduction of tax rates solely because, forsooth, for the time being the United States Treasury might collect somewhat less from his product? And that when millions of general funds are being spent freely in attempting to rehabilitate and stabilize other industries through measures not so sure of success or of such a fine measure of success as a reduction of tobacco taxes would be? It is my thought that at last the time has come, and come under Mr. Roosevelt, when tobacco taxation may and should be looked at from the point of view of its effect upon the power and not solely from the point of view of the return of tax to the Treasury. Surely the billions tobacco has paid into the Treasury would warrant its taking a few millions less for a while if a great constructive work of rehabilitating and stabilizing tobacco growing can thereby be accomplished.

But to go to the immediate propositions that are before the committee. These are important in two ways: First, from the angle of the possible danger to the grower; that is, in the idea of a differential in the cigarette tax rate; and, second, from the angle of opportunity for the grower; that is, in a substantial reduction of the tax rate by, say, 40 percent.

As to the danger for the grower in the differential, it is a matter of common knowledge that the tobaccos that go into the higher-priced brands of cigarettes, the big or so-called "standard brands", are the tobaccos that have sold relatively high and have held the market averages up. It is almost equally well known, to those who know the facts, that one of the prime reasons the larger manufacturers had for refusing for 4 years to bring out and press 10-cent cigarettes was the fact that they felt that if they did so they would to a large extent destroy the higher market growers now have open to them for tobaccos that can go into the higher-priced cigarettes. With an overproduction of tobaccos in almost all classifications, it is a question of preserving to the greatest possible extent the market for those tobaccos out of which the growers can get the highest return. Obviously, the manufacturers' ability to pay high prices for leaf tobacco is greater when the cigarette consumption of the country is on two-for-a-quarter brands than when it is on 10-cent brands; and just as obviously, when a smoker is moved from the higher-priced brand to a lower-priced, the farmer has gotten a market for some of his tobacco at a lower price by sacrificing his market for some of his tobacco that otherwise would sell at a higher price. That is literally going forward one step and slipping back two. The grower cannot get where he wants to go by doing that; and if, by establishing a differential in tax, based on selling price, the Government is going to force the manufacturers to do what they have so long, in the interest of the farmers and perhaps their own, refused to do, then the result has to be, as I see it, that to the extent that the business is transferred to the cheaper brands the farmer loses the high market for the leaf that goes into the higher-priced brands.

If the top price which the manufacturer can pay for tobaccos to be marketed in the form of cigarettes is to be no higher than that which can now be paid for them for use in 10-cent cigarettes, or that could be paid for such use even after a 30-cent differential in tax were established, then indeed, it seems to me, the average for

the crop would have to fall so low as to work great hardship on the grower. It cannot be said too emphatically that, in my thinking of this serious problem, the one thing from a domestic standpoint that offers hope of keeping tobacco growing on a basis that can be made satisfactory to the farmer is the preservation and the extension of the market for tobaccos in cigarettes at prices that leave the manufacturers a chance to pay for such tobacco prices very much above the market averages for tobaccos. If the top is to come down to or close to the average, as a differential alone as suggested unquestionably would accomplish, then the new average must be distressing indeed. My thought is that if all of the cigarette business were put on 10-cent brands, under the present tax or with the tax on them reduced to \$2.70 as they have asked, the result would be that nobody able to pay anything like the too low prices now paid for tobaccos to go to market in the form of higher-priced cigarettes, those tobaccos would have to find a market at a very much lower level, with resulting crop averages even more disastrous to the growers than the prices for the past several years. Then when they checked back heavily on growing, tobaccos would get to be scarcer and therefore higher. Then the manufactured products would have to go back up, with the result that we would be back where we started from, with no result from our trip around a vicious circle except that many growers would have been destroyed and much of opportunity for all of them thrown away meanwhile in the years it would take to go through that cycle.

That is a suggestion of a prime reason, as you know, why, as I have been reliably informed, some manufacturers at least have refused to try to put the business on cheap brands. Now, if the Government, by establishing a tax differential, should force the manufacturers or processors to do this thing that for 4 years, at great sacrifice of volume of business on their higher-priced brands, they have refused to do, then the worst may be surely expected unless the Government steps in and uses the strong arm. But if once the grower sees the sure result to him and makes his position known to the Government, such action will not, in my opinion, be taken. I know that this administration is trying earnestly to help the farmer and will not make itself a party to something that is to work injury to him. And it is not hard for anybody to see that an established tax differential, based on selling price, offers such a reward, if you please, for selling the farmer's product so low that everybody in the business would immediately find himself under the urge—yes, even the necessity, if he wants to preserve his volume of business—of getting into that game. It will be a disastrous day for the grower of tobacco when and if the Government offers the suggested reward for marketing his product cheap instead of at the best possible price.

Of course, many cigarettes can be sold at 10 cents to purchasers who are not able to pay 12½ or 15. Likewise, many can be sold at 8 cents or two for 15 to purchasers who will not buy even at 10 cents. I recognize the value of lower prices to the consumer as making for the maximum consumption of leaf from the grower and therefore for better prices for him. But it is one thing to get more consumption by sacrificing price on existing consumption through offering a reward to the manufacturer to sell the farmer's product low; and it is an entirely different thing to get that increased consumption, and even more, without at all impairing the capacity of the manufacturers to continue to pay the higher prices now paid for tobaccos for use in meeting already existing demands. And there is where the great opportunity for the grower lies in the existing situation and in the work of this committee following its hearings.

I think that it is perfectly clear, on a study of all angles of the situation, and in the light of the facts adduced before the committee, that every advantage for the grower that is contended for in the plea for the \$2.70 tax on the cheaper as against \$3 tax on the higher cigarettes, can be realized in another way without any of the dangers and hurts of the differential and without injury to the present 10-cent brands; and that in the same way many other advantages of a more far-reaching effect will at the same time be accomplished for the grower.

Let us contemplate a 40-percent reduction in the taxes on cigarettes, tobacco, and snuff. That passed on by the manufacturer, as it ought to be and must be, would result in a 10-cent retail price for all of the larger brands of cigarettes now selling at 12½ cents or more in States not levying special State taxes. Likewise, it would seem to mean for the present 10-cent cigarettes a retail price of two packages for 15 cents. But best of all, from the grower's point of view, it leaves the manufacturers' ability to pay the grower maximum prices—though I doubt whether this has ever been done—for cigarette leaf absolutely unimpaired and does not put the manufacturer under the temptation or the necessity to sell the farmer's product at the lowest price in order to benefit by the concession that is sought for those undertaking to sell at the low figure.

By such a tax reduction the grower would have opened to him immediately all of the advantages of increased consumption that would come to his product from a 10-cent price on the present big brands and the added consumption that would come from having the present 10-cent brands, which could then sell at two for 15 cents, reach still other smokers who are not now willing to pay either 10 or 12 or more cents and are consequently not consuming or are rolling their own out of granulated or other tobaccos which can never net the farmer anything approaching what he gets for tobaccos that can be marketed through cigarettes. As has been stated, there are presumably, according to Government reports on cigarette papers, some 50 or 60 billion cigarettes rolled by smokers each year. If this business could be put on a manufactured-

cigarette basis, the benefits to the farmer, it seems to me, would be very great, indeed. It would also go far in making up the temporary loss to the Treasury.

And then there is the great volume of women smokers who, when money is short or prices high, do not change to rolling their own, but simply quit consuming. They could, if it were desirable, be brought back as consumers through proper tax adjustments. I am not arguing in favor of the woman smoking or dipping snuff, either, for that matter. And in pipe tobaccos, chewing tobaccos, and snuff, there is, too, an enormous possibility of increasing consumption through a tax rate that would permit more tobacco in a package or piece.

In other words, lying right by the destructive danger that I see for the tobacco grower in the proposal for the differential in tax on cigarettes selling at different prices, I think I see in a uniform reduction of 40 percent on tobacco, snuff, and cigarettes, the greatest opportunity for a perfectly definite and very extensive contribution to recovery and stabilization, at least in this one phase of the agricultural problem. It is the farmer's case, and whether it has any recognition in the Congress will, I think, depend on whether and how vigorously the growers present it. Makeshifts through emergency measures may stimulate, but permanent relief on a sound economic basis can be accomplished by no other practical and immediately workable plan save a general reduction in the excise taxes on tobacco products.

God knows, as I believe you gentlemen do, from the testimony you have heard, that there has never been presented to a committee of any Congress a more worthy, just, and humanitarian appeal. Personally, I have every confidence that it will not go unheeded. The tobacco growers of your country and mine leave their cause with faith and hope to your judgment and conscience.

Mr. WOODRUFF. Mr. Chairman, I find it necessary to leave, but before I do so, I express the hope that before the hearing is closed the expert on tobacco in the Agricultural Department, and also some representative from the Treasury Department who has knowledge of these facts and can give us some idea of what we can and cannot do, will appear before the committee and give us the benefit of all their information.

Mr. VINSON. I may say, for the benefit of the gentleman from Michigan, the committee, and the folks who are here, we have found in making this fight for a reduction in tobacco taxes that when we talk to officials, regardless of how much they know about general subjects, unless you get a specialist on tobacco, you might as well be using a foreign tongue.

It was my thought, and I hoped it was agreeable to the subcommittee, to do our best toward painting the real picture as it exists, getting all of the data and information we could obtain on this, and then lay that on the doorstep of the Agriculture Department and the Treasury Department; and I hope that they will give consideration to the facts and figures obtainable, and then subsequent to that, to call them in before this committee to testify on the subject.

That was the thought I had, and if that is agreeable to the committee, will be the course we pursue.

Mr. WOODRUFF. In that connection, when these hearings are placed in the hands of the officials you speak of, I hope that a request will accompany that presentation that the officials who will appear before the committee read the hearings that we have had heretofore very carefully.

Mr. VINSON. I do not know whether you would make that through a written or verbal request, but it was the hope, at least, that they would consider these hearings very carefully. That was the very thought I had in mind.

Mr. HANCOCK. Mr. Chairman, if there are no questions, I will retire.

Mr. WOODRUFF. I hope when you submit the hearings of the committee to the representatives of the Department you refer to, that they will read very carefully the full testimony at these hearings.

Mr. MCCORMACK. Mr. HANCOCK, have you anything you want to say as to what you would consider to be a fair price to the producer of the tobacco?

Mr. HANCOCK. I have an idea based on conditions in my own county. I know something about the cost of labor, and know something about what it takes to make a crop of tobacco, or a barn of tobacco. Of course, that varies in different places, and it depends somewhat on the weather and the skill with which a man attends his crop.

I was talking to a group of farmers in my home county about 3 weeks ago, and one of them happened to have been here the other day, Senator Curry, and it seems that the director of the experiment station there, who engages in experiments involving tobacco, requested a group of farmers to compute the best they could the cost per pound to make a barn of tobacco. Those figures, of course, vary, but under present conditions, and basing the schedule of wages similar to the schedule recognized by the Government under the N.R.A. operations, I do not believe that tobacco can possibly be made in my part of the country for less than 20 cents a pound, on the average. Of course, you understand, it costs as much to make a sorry grade of tobacco as it does a good grade.

The CHAIRMAN. As to what its cost is, I did not quite get your statement; did you say "probably" or "possibly"?

Mr. HANCOCK. I said "possibly" it could not be profitably made for less than 20 cents.

Mr. MCCORMACK. Did you mean 20 cents a pound to make a reasonable profit, or that 20 cents would be the cost of production?

Mr. HANCOCK. I think at around 20 cents the farmer could make a profit, under normal conditions.

Mr. McCORMACK. That would include a reasonable return on capital investment and fixed charges?

Mr. HANCOCK. I doubt whether it would. There is not 1 percent of them that ever figure that, in arriving at the cost of their product, down our way.

Mr. McCORMACK. I realize that, but I think they ought to do it. The CHAIRMAN. You mean it would take that price to make a decent living for the man and his family?

Mr. HANCOCK. That is correct, Mr. DOUGHTON.

Mr. VINSON. We thank you, Mr. HANCOCK, for your very fine statement.

I think it is only fair to state that from the first day I ever saw FRANK HANCOCK in Congress, up until this good hour, he has been waging a battle in the tobacco growers' interest as he saw it, and because of our having cooperated in this common cause, I am going to impose upon him and ask him to secure the data and submit it for the record showing the various rates of tobacco taxes in the 13 or 14 States that impose tobacco taxes.

We have been talking about Federal taxes so much I had forgotten almost that in Arkansas they have a 5-cent-a-pack tax on cigarettes.

Mr. HANCOCK. Mr. Chairman, I shall be glad to furnish that information for the committee.

THE VETO OF THE INDEPENDENT OFFICES BILL

Mr. TABER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. TABER. Mr. Speaker, on March 20, 1933, upon President Roosevelt's urgent recommendation, the Economy Act was passed, effecting definite savings in the civil expenses of the Government approximating annually about \$125,000,000. These savings, along with \$150,000,000 more, which had been made prior to the advent of the Democratic administration, expire automatically on the 30th of June 1934.

The Economy Act also revamped the entire pension system, beginning with the Spanish-American War and running down to date. The President was authorized to determine by regulations what pension should be paid to veterans of the different wars and their dependents. This power was given to him because it was believed that he was in a position to effect certain economies that were necessary for the stability of the Government and because the Congress trusted the President to do the job and do it right—and a little more, perhaps, because this was the first great delegation of power to the President in the hysterical situation in which the Congress and the President and everyone else were. It was impossible to realize the fundamentals of liberty and to realize what the delegation of authority meant. It was believed by most Members of Congress that the President would keep his word and would establish fair regulations which would give the veterans a fair deal and at the same time give the taxpayers a fair deal.

As administered, the regulations first put into effect accomplished reductions of about \$440,000,000 in the expenditures of the Veterans' Bureau. That these regulations were bad, poorly drawn, ill considered, and not of the type that the country would stand for is evidenced by the fact that the President had already, at the time his veto message was signed on March 27, 1934, changed the regulations so as to place back on the roll of the Veterans' Bureau \$117,000,000. At that time, he also signed regulations which would, for the fiscal year 1935, according to the best information I can obtain, cost the country \$60,000,000 more. Thus, nearly half of the original savings were given back by order of the President, so that it is wrong to say that Congress wrecked the Economy Act.

There are still more than \$250,000,000 of savings under the veterans' provision of the Economy Act.

Five hundred thousand non-service-connected veterans, put off the rolls by the Economy Act, are still off the rolls.

Let us recite some of the high points in the promulgating of regulations and in the administration of this act by the President. In the first place, the Spanish War veterans, approximately 200,000 in number, were all thrown off the rolls. They were given, however, a chance to establish service connection for their disability and the regulations stated

that the burden of proof was placed on the Government to prove that they were not service connected. Because of the methods of the Veterans' Bureau practically all of the Spanish War veterans' cases failed to establish service connection.

Was this done in accordance with the regulations? No. In case after case I charge that the Spanish War veterans were thrown off the roll without their folder even being examined by a representative of the Veterans' Bureau. In case after case it has appeared that such an examination shows, on the face of the papers already in the Veterans' Bureau at the time the regulations were drawn, that the case is entitled to service connection. Nevertheless, seldom, except where it was requested by a Member of Congress, did they call upon the War Department for the Adjutant General's records to find out whether the veteran was entitled to service connection for a disability incurred in service.

This method of handling the Spanish War cases had created such a furore that prior to the end of Congress in June 1933 the President was forced by public opinion to modify his regulations so as to provide a non-service-connected \$15-per-month pension to the Spanish War veterans. Thereby he disposed of any program of restricting the Spanish War group to service connection. The furore that was created at that time did not subside, but the bad administration of the Veterans' Bureau, insofar as the Spanish War cases go, was continued. Nothing apparently was learned from experience, and when Congress came back here in January the same failure to give fair consideration to the Spanish War cases continued. It was only possible to have their cases considered where the Congressman, in the individual case, went over and stood over the Veterans' Bureau with a sledge hammer. The furore reached such heights that by the time the independent offices bill had reached the Senate, Congress felt that unless it took the matter in its own hands and attempted to solve this problem in some practical way that the entire Economy Act would be wrecked.

With reference to the World War veterans, the regulations provided for a straight 10-percent cut in war-service-connected cases, and in addition, a change in the method of rating cases so that the war disabled were cut from 25 to 30 percent on an average, and in some cases were cut as high as 60 percent. I had one case of a man who had lost a leg on the battlefield where at first he was cut from \$113 a month to \$8, and only after I had raised a storm of protest was any kind of a fair adjustment made.

All presumptive service-connected cases—that is, most of the tuberculosis and shell-shocked cases—were thrown off the rolls.

The non-service-connected cases were thrown off the rolls, with the exception of about 32,000 who were totally and permanently disabled. These totally and permanently disabled non-service-connected cases were paid \$30 a month.

In the administration of the direct service-connected group, reasonably fair speed was made in taking away from the war disabled, the 25 to 30 percent cut which was made. When it came to handling the presumptive cases, practically no speed and practically no results were obtained in determining whether these people were actually entitled to relief from the Government.

The Board of Appeals did not function in many cases, and the cases were permitted to pile up on the theory that Congress would meet this situation by legislation. This action, together with the furor that was aroused by the direct cut of the war disabled, created another storm of protest and resulted in the writing into the bill in the Senate of the restoration of \$30,000,000 for the war disabled to restore them to their old rating schedule and to wipe out the cut of 25 to 30 percent which the President had placed upon them. It created a sentiment which demanded what the bill contained—restoration to the roll of all presumptives, the tuberculosis, and nerve cases—on a 75-percent basis, pending the review of their cases, with the burden of proof on the Government to show that their case was not service-connected. After these cases have been disposed of by the

Board of Appeals in the Veterans' Bureau in accordance with this rule, they will either go on the roll as direct service-connected cases or they will go off entirely.

The independent offices bill carried the following increases to veterans:

1. For Spanish War veterans.....	\$37,400,000
2. To restore the war-disabled veterans to the rates they were receiving prior to the 19th of March 1933.....	30,000,000
3. To restore the World War presumptively service-connected cases on a 75-percent basis.....	9,312,500

Total..... 76,712,500

As to presumptives, the President, by his Executive order of March 27, 1934, the date of the veto message, restored 29,000 to the rolls, as against 25,000 in the bill. Otherwise the President's action as to presumptives was practically the same as the bill.

As to the Spanish War veterans, he restored them pending a new review of their cases and final determination by the Board of Appeals without any limit as to the dates of service, or anything of that kind, and without limitation as to whether the cases were of misconduct origin. The President's regulations of March 27 would have cost, for the Spanish War veterans, in my opinion, nearly \$50,000,000 for the fiscal year 1935, or more than it will cost to pay the pensions for the Spanish War veterans according to the bill.

The thing that the President did not approve of and did not want to go along on was restoring compensation to the war disabled, amounting to \$30,000,000. On the other items he presents himself as almost in substantial agreement with the bill. The cost of his regulations of March 27 for Spanish War veterans and the presumptives would have been approximately \$60,000,000 for the year 1935. On April 6, the President canceled his regulations of March 27, so nothing will ever be learned as to what they would cost by practical experience. It can only be estimated.

On the overriding of the veto there was presented to the Congress the question of whether or not they would spend \$16,000,000 more for veterans than the President would and continue certain economies which were carried in the bill, which would die on June 30, 1934, if the bill did not become a law, amounting to \$125,000,000; so that we had on the one side of us, Shall we spend \$16,000,000 more than the President is willing to and save \$125,000,000? There were in addition some small expenditures which the President had not recommended for the civil forces of the Government, but they were small as compared to the saving to be effected by the overriding of the veto.

It is true that the bill did not carry an extension of as great economies as the President had finally urged in his Budget message, but after a hard fight it was the best compromise that could be worked out and put through. No one believes that if this veto had been sustained that it would have been possible to pass any bill effecting economies in this session of Congress. To save one half of \$250,000,000 of economies in civil expenses in the face of the President's orgy of expenditures reflects credit on Congress. To meet our sacred obligation to the veterans who were actually disabled in the World War is a credit and not a source of shame for Congress.

We have all learned, as a result of this whole thing, that nothing can come from a delegation of the authority of Congress to the President except disaster—in this measure and many others.

If Congress had not taken the bit in its teeth and made these reasonable adjustments, which will call for no additional taxes, the entire remaining savings of the Economy Act, amounting to \$250,000,000 a year, would be wiped out.

By voting to override the veto Congress did not pass the bonus. The bonus was not in this bill.

Personally I have always stood and still stand for economy in government; for fair treatment of our soldiers; and for fair treatment of our Government employees. I do not believe that a failure to meet one's legitimate obligations is economy. Congress has been berated by many people who do not know what was in the independent offices bill. It has been exceedingly difficult to set the country right on this

subject, in view of the false propaganda which has been put out by people who did not know what they were saying.

I hope that those who have been disturbed by the action of Congress in overriding the veto will now realize, after the facts have been presented to them, that Congress voted to override the veto because it was right that it be overridden, and that the overriding was in the interest of the taxpayers and saved money for the taxpayers.

THE PRIVATE CALENDAR

The SPEAKER. The Clerk will call the first bill on the Private Calendar, beginning at the star.

GIUGLIO ZARELLA

The Clerk called the bill (H.R. 5415) for the relief of Giulio Zarella.

Mr. HOLLISTER. Mr. Speaker, I object.

JOSEPH RICCO

The Clerk called the next bill, H.R. 5416, for the relief of Joseph Ricco.

Mr. ZIONCHECK. Mr. Speaker, I object.

JULIA SANTIAGO

The Clerk called the next bill, H.R. 5579, for the relief of Julia Santiago.

Mr. HOPE. Mr. Speaker, I object.

A. H. MARSHALL

The Clerk called the next bill, H.R. 5588, for the relief of A. H. Marshall.

Mr. HOPE. Mr. Speaker, I object.

Mr. WILLIAMS. Mr. Speaker, will the gentleman withhold his objection?

Mr. HOPE. Mr. Speaker, I withhold my objection to permit the gentleman from Missouri to make an explanation.

Mr. BLANTON. Well, Mr. Speaker, I am going to object.

This is a bill to appropriate \$20,000. The report from the Department shows that he was granted more benefits than the extent of his injuries, and that the Government owes him nothing. We must save this \$20,000. I shall object to it, so what is the use of taking further time on it?

NORTHWEST MISSOURI FAIR ASSOCIATION

The Clerk called the next bill, H.R. 5674, for the relief of the Northwest Missouri Fair Association, of Bethany, Harrison County, Mo.

Mr. HOPE. Mr. Speaker, I object.

Mr. MILLIGAN. Mr. Speaker, will the gentleman reserve his objection a moment?

Mr. HOPE. Mr. Speaker, I withhold my objection to permit the gentleman to make an explanation.

Mr. MILLIGAN. I would like to know what the gentleman's particular objection to this bill is.

Mr. HOPE. I may say to the gentleman that this is a bill which proposes to appropriate \$25,000 from the Federal Treasury to pay damages which are alleged to have been caused by a fire at the State fair grounds in Bethany, Mo. I have gone over the report very carefully and also the letter from the War Department and the findings of the military commission which held hearings in this matter. I am unable to find anything in that report or those hearings which would indicate that there is any liability whatever on the part of the United States Government.

Mr. MILLIGAN. I may state to the gentleman that the record does not show how this fire started, but it does show that this military unit was in absolute control of these fair grounds and had complete policing power of it, and that while they occupied this fair ground the fire did occur and destroyed the property.

The record, as I stated, does not show how the fire started, but this unit was in absolute control of these fair grounds at the time it occurred.

Mr. HOPE. The record does show that the fire started in the grandstand, I believe.

Mr. MILLIGAN. Yes.

Mr. HOPE. And at that time the grandstand was occupied by a crowd witnessing a baseball game.

Mr. MILLIGAN. And they had been invited by this military organization which had control of the fair grounds.

Mr. HOPE. The crowd was there to witness the baseball game between members of this military organization and an outside team, as I understand it; town people and members of the military organization, I assume, were there.

Mr. MILLIGAN. Not of this particular town where the grounds were located, but another town.

Mr. HOPE. As I understand it, none of the buildings were occupied by these troops at the time; they were simply camping there in the open.

Mr. MILLIGAN. It is true that the buildings themselves which were destroyed were not occupied, but they were on the fairgrounds, and the fairgrounds as a whole were under the control of this military organization. There is no doubt the organization was using the grandstand where the fire originally started.

Mr. HOPE. I think that if it could be shown that this fire was caused by the occupancy of these buildings by this military organization and that somebody belonging to the organization was responsible for starting the fire, either willfully or through gross negligence, there might be some claim against the Government of the United States; but the finding of this military tribunal which met to consider this matter clearly indicates, it seems to me, that such was not the case.

Mr. MILLIGAN. But they had complete jurisdiction and charge of these grounds. They held this ball game. They invited guests or at least allowed guests to come there and occupy the grandstand during this ball game.

The fire occurred in the grandstand which these guests were occupying at the time of the fire.

Mr. LOZIER. May I say to the gentleman from Kansas that this military unit was traveling from Fort Leavenworth to a fort in Iowa. On a Saturday afternoon they came into the town of Bethany and requested the privilege of camping in the fairgrounds. This privilege was granted. Troops took possession and had charge of the fairgrounds from Saturday afternoon until after the fire Sunday afternoon. They were occupying these fairgrounds by the generosity and courtesy of the fair association. They had complete charge of and policed the grounds. On Sunday afternoon they scheduled a baseball game in which a team drawn from this military unit participated, and to which the general public was invited. The troops had charge of the gates and in a military manner directed the traffic and crowd. During the progress of the game, fire was discovered in the rear part of the grandstand. No one knows how this fire originated.

The question involved in this bill is, Will the United States Government escape liability in a case of this kind, where its troops marching through the country are granted the privilege of camping on grounds owned by a county fair association and, while they are in possession of the fair grounds, \$25,000 worth of property is destroyed? Of course, no one saw the fire originate, but in all good conscience and equity, certainly the Government of the United States should indemnify the fair association for the damages the property sustained while in possession of the troops and the Government ought not to put upon the Fair Grounds Association the burden of proof and compel the association to affirmatively show that this fire originated as a result of the negligence of some member of that troop.

I think in all fairness that the Government of the United States ought not raise this issue or resist this payment. The troops were there by the courtesy of the fair association, and it would be unconscionable to require the Fair Association to affirmatively establish the origin of the fire or to show that it resulted from the negligence of the troops. The military forces were in charge of the buildings. They were in charge of the grounds. They were in charge of the crowd which was there by the invitation of the troops. The visitors were guests of the regiment. While the troops were occupying these grounds, putting on a show to which the public was invited, \$25,000 worth of buildings were destroyed. I repeat it is unconscionable for the Government of the United States under these conditions to say to the fair association: "You turned over these grounds to us. You permitted us to encamp here. While we are in posses-

sion, your buildings were destroyed by fire, which originated from an unknown cause. Now we are going to put upon you (the association) the responsibility to affirmatively show that the fire originated through some overt act or negligence on the part of some of these troopers." The Government of the United States, in all equity and good conscience, should be willing to respond for the reasonable damages sustained under these conditions.

Mr. MILLIGAN. It is true that they maintained a wire fence 10 feet high around the grounds. The gates were locked at all times, and were opened and unlocked for this organization, which put guards on the gates.

Mr. LOZIER. That is true. May I say that the evidence also shows that the troops in moving their trucks ran across a fire hose, damaging the hose and preventing it from functioning efficiently.

Mr. HOPE. There is some difference of opinion on that point. The evidence is quite conflicting.

Mr. LOZIER. There is no contradiction of the fact that the Government trucks did run over the fire hose and as a result the hose was damaged to such an extent that it was not able to deliver a sufficient supply of water to extinguish the flames. It is perfectly all right for the gentleman from Kansas to object, but I hope the time has not come when the Government of the United States can escape liability in a case of this character. A company of troops, marching from one State to another, enters a friendly community, asks the people to give them a camping place in a fair-ground owned by public-spirited citizens; and while in possession of this property, it is destroyed. Is it conceivable that the Government of the United States, after enjoying these courtesies, and doing this damage, can say to the people whose hospitality they have enjoyed, "We will place upon you the burden to affirmatively show that some member of the troop is responsible for the conflagration"? If the fire was caused by one of the guests of the United States dropping a cigar or lighted match in trash, certainly the Government of the United States ought not to escape liability.

Mr. HOPE. The gentleman is an attorney, of course. If these grounds had been leased to a tenant and a fire occurred while that tenant, a private individual, was in control and in occupancy of these premises, would the gentleman say that the tenant was responsible for any damage that might occur as a result of the fire?

Mr. LOZIER. Answering the gentleman, may I say that the question as to what caused the fire is a question of fact. If the evidence in this case were submitted to a jury to try the issue of fact as to whether or not this fire resulted from negligence on the part of the United States or some of its guests, the jury would find from the evidence that the Government of the United States was responsible for this conflagration.

Mr. HOPE. That is not answering the question. My question was, If this were a case where a private individual was occupying the property as a tenant and the property burned under these circumstances, no one knowing the cause of the fire, would the gentleman say the tenant was liable for the damage that occurred?

Mr. MILLIGAN. The agreement was when they took over the grounds that they would return them in as good, if not better, condition than when they received them.

Mr. HOPE. The gentleman understands an act of God, such as a fire, is always an exception.

Mr. MILLIGAN. This was not an act of God under the law, and there is no evidence to that effect.

Mr. HOPE. There is nothing to show that it was not.

Mr. LOZIER. May I answer the gentleman's question by saying that the gentleman is familiar with the principle that a greater degree of care is required when the bailee or the person in possession is there by tolerance, accommodation, and courtesy and not for hire?

Mr. HOPE. The gentleman understands that there was rent paid. The Army paid a rental charge of \$10, as I understand, and the water bill.

Mr. LOZIER. Just a nominal rent.

Mr. HOPE. I do not know how nominal it was, but there was a charge made for the occupancy of these grounds.

Mr. MILLIGAN. I beg the gentleman's pardon. They did not charge for occupying these grounds, but the next day the lieutenant in command of this organization came and paid \$10 and the water bill just before he left.

Mr. ZIONCHECK. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded.

Mr. HOPE. Whether there was compensation paid or not, I think the same principle would apply. Mr. Speaker, I object.

B. EDWARD WESTWOOD

Mr. COOPER of Ohio. Mr. Speaker, I ask unanimous consent to return to Private Calendar 297, the bill (H.R. 4516) for the relief of B. Edward Westwood, that was passed over yesterday without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of B. Edward Westwood, postmaster at Youngstown, Ohio, in the sum of \$891.17, such sum representing the deficit in the account of the said B. Edward Westwood, caused by burglary to the post office on December 25, 1931, and for which casualty the said B. Edward Westwood was in no way responsible.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VETERANS' LEGISLATION

Mr. COLMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a speech made last evening by the gentleman from Texas [Mr. BAILEY] on the question of veterans' legislation as affected by the independent offices bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLMER. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following speech made last evening by the gentleman from Texas [Mr. BAILEY] on the question of veterans' legislation as affected by the independent offices bill.

Friends of the radio audience, I am greatly indebted to the National Broadcasting Co. for the invitation to speak to you tonight, not only because of the pleasure it gives me, but also because it may serve to clear up a considerable misunderstanding which seems to prevail concerning the independent offices appropriation bill. This is the bill which was recently vetoed by the President and subsequently passed by both Houses of Congress.

I have seen a number of editorial comments in daily papers concerning this bill and its effect on veterans that, to say the least, astounded me. It is quite apparent that those comments were written by men who had never read this bill, or who did not understand it even if they had read it.

So far as I have seen, there have been no comments about the employees' pay restoration, and I am going to confine myself solely, for the present at least, to the provisions of the bill specifically dealing with veterans' benefits, because these are the provisions which have been so greatly misunderstood and because of which most of the difficulty has arisen.

I have before me a letter from the Budget Bureau advising that the figure of increased benefits awarded to veterans by this bill is a total of \$103,000,000, \$20,000,000 of which comes in the fiscal year 1934 for the remainder of that year, and \$83,000,000 of which is the estimated annual increase in appropriation for the year 1935. I have also before me a photostatic copy of the calculations of the Veterans' Bureau in which this \$83,000,000 is detailed. In round figures this calculation shows the increased payments to World War veterans admittedly disabled in service equal to \$30,000,000; the increased payments to 29,000 presumptives, pending disposal of their cases on appeal, at the rate of \$11,750,000; the increased payments to Spanish-American War veterans equal to \$37,427,000; and certain small miscellaneous items for pensions prior to the war of 1898, insurance, etc., amounting to approximately \$4,000,000.

Turning now to the provisions of the bill itself, it will be found that the veterans' provisions come under title 3, being amendments 26 to 35, inclusive. It is these amendments which contain the appropriation of \$83,000,000. I think I can show you that

\$61,750,000 of this amount was, or would have been, necessary to take care of expenditures authorized and to be incurred under regulations issued by the President.

Referring to the veto message, the President said:

"I intend now by regulation forthwith to direct an appeal by the Administrator of Veterans' Affairs in each and every one of these disallowed 29,000 cases with the further direction that in the final determination of these cases every reasonable doubt be resolved in favor of the veteran, and every assistance be rendered in the preparation and presentation of these cases. While these cases are pending the veterans will be paid 75 percent of the compensation they received prior to the time they were removed from the rolls. If the appeal is allowed, they will receive back compensation. Only in cases disallowed by the Board of Appeals will the veteran thereafter be permanently removed from the rolls. This regulation will be put into effect at once."

The necessary initial cost incurred under this order is \$11,750,000 annually.

Further the veto message said:

"By regulation 12 a presumption of service origin was extended to Spanish-American War veterans on the rolls on March 19, 1933. In order to take the same action which I am taking in regard to World War veterans, I am directing the restoration to the rolls, as of this date, at 75 percent of the amount they were receiving on March 19, 1933, all Spanish-American War veterans pending a final determination of their cases before the Board of Appeals."

The necessary initial cost of this order is at the rate of \$50,000,000 a year. It will be seen that by adding the cost of these two orders the total expense authorized by the President is at the rate of \$61,750,000 a year, which, deducted from \$83,000,000, the amount provided by the bill, leaves a net increase of only \$21,000,000 in round figures.

By calculations on the same basis, the Presidential regulations added \$16,000,000 for the balance of this fiscal year, while Congress appropriated \$20,000,000—an increase of only \$4,000,000. Adding this \$4,000,000 to the \$21,000,000 shows that Congress only added \$25,000,000 out of the total of \$103,000,000 provided in the bill for the balance of this year and the whole of next year.

I have seen editorial comments to the effect that it was a "veterans' steal", that it restored undeserving cases to the pension roll, that Congress yielded to the pressure of the veterans' lobby because of fear of reelection. There is not a one of these statements true. I say unhesitatingly that this law does more for the deserving cases and less for the undeserving cases than any general law passed by Congress since the war. It affected three general classes of veterans—two of the World War and one of the Spanish-American War.

Not a single World War veteran was permanently restored to the rolls whose disability did not arise directly by reason of the service which he performed to his country. Some non-service-connected disabled men among the presumptives may have been restored temporarily pending appeals, but none permanently. Not a single veteran was restored to the roll who had not joined the Army prior to the expiration of the war, nor was anyone restored whose disability arose by reason of his own misconduct, and in Spanish-American War cases the pension was allowed only to veterans who did not have sufficient income to pay a Federal income tax.

Now let us take the actual bill and analyze it.

First. You will remember that under the Economy Act World War veterans suffering from disabilities admittedly proven to have been incurred by their service had their compensation reduced from an average of \$43 a month to an average of \$34 a month. This bill restored the previous compensation, or an average of \$9 a month. The total cost, according to the Veterans' Bureau, of this provision, is \$30,000,000 per year. There certainly can be no objection on the part of anybody to that feature of this law. The Government has a sacred obligation to these men who sacrificed their bodies and their health to our cause.

Second. This bill restored to the pension rolls, pending appeal, certain men who contracted a disability such as tuberculosis, dementia praecox, paralysis, etc., prior to January 1, 1925. Under a law passed in 1925 these men had been presumptively entitled to a service-connected rating, and that being true, they had not attempted to obtain evidence of the origin of their disability, but had relied, as they were entitled to rely, solely upon the presumption. Last year we provided, and the Chief Executive signed, a bill entitling these men to their compensation pending a review of their cases. The present bill gave these men 75 percent of their compensation pending an appeal from this review. This bill specifically provided, however, that the Government could show "by clear and convincing evidence" that their disability arose prior to or subsequent to their service. So that these men are not permanently on the rolls. They are entitled to the benefit of the doubt. They are relieved of the burden of proof, but if their disabilities did not arise by reason of their service they will go off the pension rolls after the decision of their cases on appeal.

If you will read the veto message, you will see that the Chief Executive offered to and actually did do exactly the same thing that this bill does, restore these men at 75 percent of their previous compensation pending appeal and giving them the benefit of any reasonable doubt. A very careful study of this regulation and this bill leads me to the conclusion that the result of the words used in the Executive order and in the bill will be almost exactly the same. The cost of this was \$11,750,000.

The third class of veterans affected was the Spanish-American War veterans, and this case was the only one in which men whose disabilities were not strictly of service origin were put on

the pension rolls. I might say in this connection that the Federal Government has granted these service pensions to the veterans of every war since the Revolution when they arrived at ages between 55 and 60. Spanish-American War veterans are now an average of 61 years of age and have received since 1930 service pensions ranging from \$20 to \$60 per month for total disability, irrespective of the origin of this disability. All this was changed under the Economy Act and in its place the Chief Executive allowed these men \$15 per month if over 55 years of age, 50 percent disabled, and in need, and \$30 per month if totally disabled and in need. All this bill did was to make this service pension begin at \$15 for men 25 percent disabled and run up to \$45 for men totally disabled. The total additional cost of this legislation would be \$37,500,000.

In this connection let me call your attention again to the veto message, wherein the Chief Executive offered to restore all the Spanish-American War veterans who had previously been receiving pensions to the rolls at 75 percent of their previous amount, pending a review of their cases, to determine the service-connected origin of their disability. The total cost of this would be \$50,000,000 a year for the first year. This was an increase of \$13,000,000 over this bill, which arises by reason of the fact that the recent law excluded approximately 15,000 veterans, 12,000 of whom joined the service after the close of the Spanish-American War; approximately 1,000 of whom were suffering from diseases caused by their own misconduct; and 2,000 of whom were not exempted from the payment of an income tax and therefore not in need. Of course it might be said that these men, under the President's plan would ultimately go off the rolls because they cannot prove their service connection. I do not want to enter into the difficulty, even the impossibility, of requiring such proof from these veterans after 36 years of separation from the service. I know that difficulty, as does everyone who has tried to help them in the preparation of their affidavits. But I do call your attention to the fact that if the boards of review handled an average of 60 cases a day that it would take over 3,000 workings days—more than 10 years, to complete the review of all these cases.

Now if you will review these facts you will find that the additional cost of full compensation to men admittedly disabled by their service constitutes the increased annual cost of \$21,250,000 over and above that recommended by the administration. I have said that this cost was \$30,000,000, but you will remember that the administration recommended a \$13,000,000 increase to Spanish-American War veterans. There are in the bill certain increases of 5 percent in the pensions of veterans of the Civil War, Indian wars, etc., amounting to about \$4,000,000, and after deducting these amounts from the \$13,000,000 it leaves the net increase of \$21,250,000.

This bill passed the House originally without any legislation with respect to veterans. It went to the Senate and was amended to include a 15-percent pay restoration costing \$187,500,000 and considerably increased veterans' benefits. When it came back to the House we wrote our own amendment, which afterward became the law, and by that amendment excepted from the provisions all soldiers who joined after the close of each war, all misconduct cases, all cases that were on by fraud, accident, or mistake, and all cases of Spanish-American War veterans who had sufficient income to be required to pay an income tax, all widows who remarried, and in every way limited the operation of this bill to veterans whom everybody admits are truly deserving.

We voted for it at that time and subsequently voted for it when the Senate again disagreed. It was our duty to make a study of the legislation, and we did so, and having reached that conclusion and voted that way, we could not go back on the conviction which had been formed.

The editorial comment has referred to this action of Congress as a revolt against the President. There is nothing further from the truth than that statement. The leadership of Franklin D. Roosevelt cannot be impaired by such a minor disagreement as this. There is no Member of Congress who today does not yield as great a measure of admiration and respect for our President as before this occurrence. The legislative branch of the Government had its duty to perform, the executive branch had its duty to perform; and the leadership in the White House remains unimpaired in the confidence of the Congress, just as wholeheartedly and as sincerely as it remains unimpaired in the confidence of the people.

THE PRIVATE CALENDAR

COAL-LEASE RENTALS

The Clerk called the next bill, H.R. 5703, to authorize the waiver or remission of certain coal-lease rentals, and for other purposes.

There being no objection the Clerk read a similar Senate bill (S. 606), as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to waive and remit all rentals due the United States and charged against the Alaska Matanuska Coal Co., holder of Anchorage, Alaska, coal-land lease no. 04794-05235, between April 3, 1926, and May 3, 1929, during which period the lessee company was out of possession and prevented from operating said mine because same was in the hands of a receiver appointed by the United States Court for the District of Alaska; also between July 10, 1931, and August 10, 1932,

during which period the Alaska Railroad was in possession of said mine and operating same, reimbursing itself therefor by mining, removing, and using coal.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES G. JOHNSON, STATE TREASURER OF CALIFORNIA

The Clerk called the next bill, H.R. 5855, for the relief of Charles G. Johnson, State treasurer of the State of California.

Mr. TRUAX. Mr. Speaker, reserving the right to object, is the author of the bill present?

Mr. CARTER of California. Mr. Speaker, the author of the bill, the gentleman from California [Mr. ENGLEBRIGHT], is unavoidably detained at a very important committee meeting, but I know some of the circumstances.

The gentleman will, perhaps, recall that the President, a few days ago, vetoed a somewhat similar bill on the ground it could not be determined whether or not the interest coupons had ever been paid, as they had no means of checking that. However, in this case the bonds are in the denomination of \$100,000. There are several of them—10, I believe—and it is the interest coupons that are lost. Now, owing to the fact that these bonds are of large denominations, the Treasury Department has been able to check them, and it finds that these coupons have never been redeemed. The 10 coupons set out here which were lost or destroyed, inadvertently, by the State treasurer of California, have never come in. The State treasurer offers to put up a bond to indemnify the Government in the event these interest coupons should ever appear.

Mr. TRUAX. In view of the fact the President did veto a similar bill, would not the gentleman be willing for this bill to be passed over without prejudice?

Mr. CARTER of California. Let me say to the gentleman that the President vetoed the other bill because they were of small denominations, and it would have taken months and months of search to determine whether or not the interest coupons had been paid. That is not the case here. A search has been made in this case, and they found the sacks in which interest coupons from bonds of the same series have been cashed, and the coupons on these particular bonds have not been cashed. This takes it out of the rule on which the President vetoed the other bill. I think the bill is absolutely fair. The Government is amply protected by the bond that the State of California, through its treasurer, will put up. A long time has already elapsed, and the interest coupons have not come in. If I could not make this statement with certainty, then the gentleman's objection would be absolutely good and valid.

Mr. TRUAX. The gentleman will note the concluding paragraph of Mr. Ogden L. Mills' letter, in which he states:

I do not desire to make any recommendation as to this bill or to express an opinion as to its merits. If it is to be passed, however, it should not be in its present form, for the reason that it does not sufficiently identify the coupons for which relief is to be given. I am enclosing herewith a draft of the bill in the form preferred by the Treasury Department if it is decided to grant relief.

Mr. CARTER of California. That objection which the gentleman raises is perfectly reasonable and logical. If the gentleman will turn to the first part of Mr. Ogden Mills' letter, he will note that the number of the bill Mr. Mills is talking about is H.R. 11525. The bill the gentleman has in his hand is H.R. 5855, which is the bill that the Secretary of the Treasury said should be introduced.

Mr. TRUAX. But he did not recommend the passage of the bill.

Mr. CARTER of California. In this form; yes. This is the bill he said should be passed.

Mr. TRUAX. In view of the circumstances, I ask the gentleman to let this bill be passed over without prejudice until the next call of the calendar.

Mr. CARTER of California. To be taken up later in the day? I should be very agreeable to that.

Mr. TRUAX. Either later in the day or at the next call of the calendar.

I ask unanimous consent, Mr. Speaker, that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

OSCAR P. COX

The Clerk called the next bill, H.R. 5935, for the relief of Oscar P. Cox.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Oscar P. Cox, United States marshal for the district of Hawaii, the sum of \$524.37. Said sum represents the amount charged Oscar P. Cox by the United States by reason of his hiring extra guards to accompany Federal prisoners from Hawaii to Leavenworth, Kans.

With the following committee amendment:

At the end of line 10 insert "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MABEL CARVER

The Clerk read the next bill on the calendar, H. R. 6324, for the relief of Mabel Carver.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mabel Carver the sum of \$2,500 for injuries sustained on August 24, 1929, as a result of being shot by a United States Marine while visiting the United States navy yard at Philadelphia, Pa.: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

In line 5, after the figures "\$2,500", insert "In full settlement of all claims against the United States."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TO RESTORE WATER OF HIGH MINERAL CONTENT ON LAND OWNED AND CONTROLLED BY THE FEDERAL GOVERNMENT

The Clerk called the next bill on the calendar, H.R. 6366, making appropriation to restore water of high mineral content on land owned and controlled by the Federal Government.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That a sum not to exceed \$250 is appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the supervision of the postmaster at Lincoln, Nebr., for the purpose of providing a pump which will restore the flow of mineral water to the fountain, the well being dug on Government square about March 15, 1872. The well was put down at large expense by the citizens of Lincoln, Nebr., and

was known as "Market Square Well." The well is now covered over by the Lincoln post-office building, but is in good state of preservation and can be restored to its former use without a large expense. After the well is restored to its former status the citizens of Lincoln are to maintain the well without expense to the Government. The Government owning and controlling the ground, the citizens in justification believe that this restoration of water of great mineral benefit to the community should be made by the Government by means of a small Federal appropriation, as stated, to purchase and install the necessary pump.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LUCIEN M. GRANT

The Clerk called the next bill on the calendar, H.R. 6386, for the relief of Lucien M. Grant.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lucien M. Grant, Lieutenant commander, Construction Corps, United States Navy, the sum of \$184.02 for actual and necessary expenses incurred by him in transportation of his dependents and personal effects from Philadelphia, Pa., to Pensacola, Fla., and return, while carrying out orders of the Navy Department.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MRS. PLEASANT LAWRENCE PARR

The Clerk called the next bill on the calendar, H.R. 6890, for the relief of Mrs. Pleasant Lawrence Parr.

The SPEAKER. Is there objection?

Mr. HOPE. Reserving the right to object, Mr. Speaker, I ask that the bill be passed over, and that we may return to it later in the day.

The SPEAKER. Without objection, it is so ordered.

J. F. HUBBARD

The Clerk called the next bill on the calendar, H.R. 6936, for the relief of J. F. Hubbard.

The SPEAKER. Is there objection?

Mr. HANCOCK of New York. Reserving the right to object, I note from the record that this claim originated in 1902—32 years ago. It would look as if this claimant had slept on his rights.

Mr. COFFIN. I do not know when the bill was introduced.

Mr. HANCOCK of New York. It seems that he was guilty of lapses in not enforcing his claim until this late day. I think we ought to discourage the revival of these old claims.

Mr. COFFIN. I only know from the report that the money was placed to the credit of the United States Treasurer and shows an outstanding liability.

Mr. HANCOCK of New York. The gentleman sees that the claimant made no effort to collect it since 1907, when he made a feeble effort. I feel that I must object.

MRS. JOSEPH RONCOLI

The Clerk called the next bill on the calendar, H.R. 7028, for the relief of Mrs. Joseph Roncoli.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Joseph Roncoli the sum of \$2,500 in full settlement of all claims against the Government of the United States for injuries sustained by her when struck by a truck owned and operated by the Navy Department while alighting from a street car at Twenty-third Street and Seventh Avenue, in New York City: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ST. ANTHONY'S HOSPITAL, MICHIGAN CITY, IND.

The Clerk called the next bill, H.R. 7067, for the relief of St. Anthony's Hospital, at Michigan City, Ind.; Dr. Russell A. Gilmore; Emily Molzen, nurse; and the Hummer Mortuary.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of the naval hospital fund, to St. Anthony's Hospital at Michigan City, Ind., the sum of \$224.30; to Dr. Russell A. Gilmore the sum of \$170; to Emily Molzen, nurse, the sum of \$203; and to the Hummer Mortuary the sum of \$10; in all, \$607.30, for services and professional treatment rendered to Max Harmon Connelly, fireman, third-class (F-1), United States Naval Reserve, while ill with typhoid fever contracted during the period from August 8 to August 22, 1931, while on active duty.

With the following committee amendments:

Line 8, after the figures "\$607.30", insert "in full settlement of all claims against the Government of the United States"; page 2, line 6, after the word "duty", insert "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider laid on the table.

ESTATE OF NELLIE LAMSON

The Clerk called the next bill, H.R. 7168, for making compensation to the estate of Nellie Lamson.

The SPEAKER. Is there objection?

Mr. HOPE. Mr. Speaker, I reserve the right to object, to inquire whether the author of the bill would have any objection to the usual formal amendments relating to the attorneys' fees and that the amount mentioned in the bill shall be in full settlement of all claims against the Government of the United States.

Mr. DIMOND. Mr. Speaker, I am very glad to accept those amendments.

Mr. ZIONCHECK. Mr. Speaker, I reserve the right to object. I don't think the Government should pay for the loss of some fox pups, which were alleged to have been killed by careless blasting. I think it would be hard to establish a cause of action.

Mr. DIMOND. Will the gentleman reserve his objection until I can make an explanation?

Mr. ZIONCHECK. Certainly.

Mr. DIMOND. Mr. Speaker, while I was not present on the ground—I live within 200 miles of the place where the injuries occurred—yet I am familiar with the matter. The blasting was the cause of the death of these foxes just as much as if the gentleman were to shoot me and I should drop down dead. He could say that I died of heart disease and not of the shot, but after all, when a man has a bullet through him, that is generally considered the cause of his death.

Mr. ZIONCHECK. Is it not true that along the Alaska Railroad they were continually blasting?

Mr. DIMOND. This was not the Alaska Railroad, it was the Alaska Road Commission.

Mr. ZIONCHECK. They were doing a considerable amount of blasting along that highway.

Mr. DIMOND. They were warned in advance, and orders were given by the superintendent to put the blasts off in such fashion that they would not do this particular damage, but instead of that the blasting was turned over to an inexperienced man, and instead of putting the blasts off in proper fashion he was grossly negligent and permitted the blasts to go off in such fashion that they caused this damage.

Mr. ZIONCHECK. Could they not have taken the foxes and the pups away from there?

Mr. DIMOND. That was not possible. That would have resulted in the death of the foxes, anyway. Although I have never raised foxes, I am familiar with their breeding. You cannot move them when they are young.

Mr. ZIONCHECK. Does the gentleman contend that this blast killed the adult foxes later on?

Mr. DIMOND. Yes; the blasts were the cause of the deaths of all these foxes.

Mr. ZIONCHECK. They died the next day.

Mr. DIMOND. Foxes are very sensitive animals, and as nearly as anybody can arrive at a reasonable conclusion, these blasts did cause the death of all of them. Any loud or violent noise is liable to bring about the same result. I hope the gentleman will not object, because this is a very just claim.

Mr. ZIONCHECK. Not being an authority on foxes or fox pups, I shall take the word of the gentleman from Alaska for it and withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$325 to Frank A. Lamson, as the administrator of the estate of Nellie Lamson, of Lower Tonsina, Alaska, deceased, as compensation for the loss of 19 foxes, the property of the said Nellie Lamson, which were killed as a result of careless dynamite blasting on the homestead of the said Nellie Lamson by the employees of the Alaska Road Commission while engaged in public work for the Government on May 2, 1931.

Mr. HOPE. Mr. Speaker, I offer the following amendments, which I send to the desk.

The Clerk read as follows:

Amendments by Mr. HOPE: Page 1, line 5, after the figures, insert "in full settlement of all claims against the Government of the United States", and at the end of line 12, page 1, insert "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider laid on the table.

H. A. SODERBERG

The Clerk called the next bill, H.R. 7289, for the relief of H. A. Soderberg.

The SPEAKER. Is there objection?

Mr. TRUAX. Mr. Speaker, I reserve the right to object. Is the author of the bill present?

Mr. MURDOCK. Yes.

Mr. TRUAX. Will the gentleman please explain this?

Mr. MURDOCK. This is a bill to compensate H. A. Soderberg, United States commissioner at Ogden, for services rendered by him during the time intervening between the expiration of one commission and his reappointment to the same office a few months later on. The matter was submitted to Comptroller General McCarl and the amount was reduced from \$169, the original amount of the bill, to \$147.

Mr. TRUAX. Does the gentleman mean that Mr. Soderberg was fulfilling the duties of his office in the interim that occurred between the two appointments?

Mr. MURDOCK. Yes.

Mr. TRUAX. His original appointment had lapsed?

Mr. MURDOCK. Yes.

Mr. TRUAX. And later on he was reappointed and continued his duty?

Mr. MURDOCK. Yes.

Mr. TRUAX. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to settle and certify for payment to H. A. Soderberg, out of any money in the Treasury not otherwise appropriated, the sum of \$147 in full for services rendered as a de facto United States commissioner at Ogden, Utah, from January 4 to August 19, 1931: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ELIZABETH T. CLOUD

The Clerk called the next bill, H.R. 190, for the relief of Elizabeth T. Cloud.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elizabeth T. Cloud, of Atlantic City, N.J., the sum of \$771.97 on account of personal injury sustained by her on October 17, 1916, by falling on the steps of the Atlantic City post-office building.

With the following committee amendments:

Page 1, line 6, strike out the figures "\$771.97" and insert in lieu thereof the figures "\$596.97"; page 1, line 9, after the word "building", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JACOB DURRENBERGER

The Clerk called the next bill, H.R. 200, for the relief of Jacob Durrenberger.

Mr. TRUAX. Mr. Speaker, reserving the right to object, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PIERRE E. TEETS

The Clerk called the next bill, H.R. 206, for the relief of Pierre E. Teets.

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ANNE B. SLOCUM

The Clerk called the next bill, H.R. 210, for the relief of Anne B. Slocum.

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

BENJAMIN STERN ET AL.

The Clerk called the next bill, H.R. 265, for the relief of Benjamin Stern, and Melville A. Stern and Benjamin Stern,

as executors under the last will and testament of Louis Stern, deceased, and Arthur H. Hahlo as executor under the last will and testament of Isaac Stern, deceased, all of New York City, N.Y., for compensation and in settlement of their damages and loss sustained by virtue of a lease in writing, dated September 12, 1919, between the said parties and the United States of America, by Daniel C. Roper, Commissioner of Internal Revenue.

Mr. ZIONCHECK. Mr. Speaker, I object.

WILLIAM A. REITHEL

The Clerk called the next bill, H.R. 290, for the relief of William A. Reithel.

Mr. ZIONCHECK. Reserving the right to object, unless the author of the bill agrees to a reduction in amount to \$3,000, I shall have to object to the bill.

Mr. RUDD. The author of the bill is sick.

Mr. ZIONCHECK. Mr. Speaker, under the circumstances, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

ARTHUR RICHTER

The Clerk called the next bill, H.R. 308, for the relief of Arthur Richter.

Mr. ZIONCHECK. Mr. Speaker, I object.

DOUGLAS B. ESPY

The Clerk called the next bill, H.R. 325, for the relief of Douglas B. Espy.

Mr. ZIONCHECK. Mr. Speaker, I object.

CON MURPHY

The Clerk called the next bill, H.R. 326, for the relief of Con Murphy.

Mr. ZIONCHECK. Mr. Speaker, I object.

MORRIS DIETRICH

The Clerk called the next bill, H.R. 374, for the relief of Morris Dietrich.

Mr. ZIONCHECK. Mr. Speaker, I object.

BROOKHILL CORPORATION

The Clerk called the next bill, H.R. 458, for the relief of the Brookhill Corporation.

Mr. ZIONCHECK. Mr. Speaker, I object.

YVONNE HALE

The Clerk called the next bill, H.R. 492, for the relief of Yvonne Hale.

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

JOHN N. BROOKS

The Clerk called the next bill, H.R. 704, for the relief of John N. Brooks.

Mr. ZIONCHECK. Mr. Speaker, I object.

KATHRYN THURSTON

The Clerk called the next bill, H.R. 878, for the relief of Kathryn Thurston.

Mr. HOPE. Mr. Speaker, I object.

Mr. LAMNECK. Will the gentleman reserve his objection?

Mr. HOPE. I will withhold it.

Mr. LAMNECK. This is a case where a detective working during the time the railroads were under control of the Federal Government was murdered.

For a long time afterwards it could not be proven that he was murdered. About 12 years after his death a man confessed to his murder and the guilty party was executed. Now, according to all the rules and regulations the widow of this murdered detective was entitled to compensation for his death in the discharge of his duty. His widow is in destitute circumstances. At one time she was paid a small amount of money because it could not be proven that this man was murdered in the discharge of his duty; but later it was found that he had been murdered in the discharge

of his duty and it was thought that this destitute widow was entitled to fair compensation for the loss of her husband. It is a just case and ought to be allowed.

Mr. HOPE. Of course, the former settlement was supposed to be in full settlement of all damages for which the Railroad Administration was liable, was it not?

Mr. LAMNECK. They could not prove any liability on the part of the Railroad Administration because they did not know that he was actually murdered until 12 years after his death.

Mr. HOPE. If, however, he was killed in the discharge of his duties as a watchman, there would have been some liability whether he was murdered or had been killed in some other manner.

Mr. LAMNECK. But they could not prove that he was actually killed in the discharge of his duties.

Mr. HOPE. Does the gentleman think the legal liability of the Railroad Administration would have been any greater had this man been murdered than if he had been killed in some other manner in the discharge of his duty?

Mr. LAMNECK. I certainly do. Had it been known at the time of his death that he was killed in the discharge of his duties, the widow would have been entitled to a much greater sum than she was paid.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. HOPE. I yield.

Mr. LAMNECK. She was paid \$1,000. That did not pay even the funeral expenses. This woman is in terrible circumstances now and certainly is entitled to more than \$1,000, as I see it.

Mr. HOPE. There is nothing in the report except the bare statement that indicates that there was any proof that this man was actually murdered. There is a statement in the report that later his murderer was found and confessed.

Mr. REED of New York. What are the facts in that connection?

Mr. LAMNECK. The facts were that at the time he lost his life the circumstances were mysterious. They did not really know what happened. Later when this criminal was caught and confessed, he said he had murdered this man, that he had broken into a box car and when the detective came up he shot the detective.

Mr. REED of New York. What amount is ordinarily allowed in such cases?

Mr. LAMNECK. It varies a great deal.

Mr. REED of New York. But it is more than \$1,000?

Mr. LAMNECK. Yes; it is at least \$5,000 or \$6,000. Under the workmen's compensation law they are allowed \$6,000.

Mr. REED of New York. Is it not the usual custom of Congress to allow \$5,000 on a death claim?

Mr. LAMNECK. I urge the gentleman from Kansas to be lenient in this case, for the claimant is a worthy person. The widow is entitled to this money. If ever there was a just claim this is it.

Mr. REED of New York. Has the widow any children?

Mr. LAMNECK. Yes; she has a family.

Mr. HOPE. This was a claim which originated 15 years ago during the war period.

Mr. LAMNECK. That is right.

Mr. HOPE. The correspondence is set out in the report.

Mr. LAMNECK. I have absolute proof in my files. I did not know that we were going to cover a hundred bills in such a short time or I would have had my files here. I have a copy of the confession in the files.

Mr. HOPE. I am perfectly willing to take the gentleman's word for it. The only reason I made the inquiry was that in the report the matter is disposed of with the bare statement that later it was discovered that he had been murdered.

It seems to me, in view of the great length of time which has elapsed, and in view of the further fact that the former settlement was supposed to be a full and complete settle-

ment, that this bill calls for a little too large an amount to be paid.

Mr. LAMNECK. I am willing to compromise on the amount.

Mr. HOPE. I would suggest that if the gentleman would be willing to accept an amendment reducing the amount to \$2,500 I would not offer any objection.

Mr. LAMNECK. Mr. Speaker, I will accept the amendment the gentleman suggests.

Mr. HOPE. With that understanding, Mr. Speaker, I withdraw my objection.

Mr. LAMNECK. That much is better than nothing.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Kathryn Thurston, widow of Charles Thurston, the sum of \$4,000 in full settlement of all claims against the United States because of the death of the said Charles Thurston, who was an employee of the United States Railroad Administration and who was killed while in the performance of his duties as such employee on or about February 2, 1920, at Columbus, Ohio: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. HOPE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOPE: Page 1, line 6, strike out "\$4,000" and insert in lieu thereof "\$2,500."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY E. RONEY

The Clerk called the next bill, H.R. 940, for the relief of Mary E. Roney.

Mr. BLANTON. Mr. Speaker, there are a number of reasons why this bill should not pass, I may state to our good friend from Maryland.

In the first place, we have established here a rule of practice for the guidance of all Members—and it is the Members themselves who have established it—that on a death claim the maximum shall be \$5,000. This is a Washington case. This Government has done much for Washington and the people of Washington.

This man was killed by being struck by a police patrol; not a Government patrol but a District of Columbia police patrol. Under the law the widow did not have to go to court, she did not have to employ a lawyer, she did not have to go to any trouble like the gentleman's constituents and mine have to when they get hurt at home. The Commissioners of the District very promptly, under the law, granted her the full maximum for a death claim, \$5,000; and they paid her in cash and she has received the money. Now, one of the most prominent Members of Congress, one of our most valuable Members, one of our popular Members, happens to be her Congressman, the gentleman from Maryland [Mr. LEWIS], and he comes in and wants the Government, in addition to the \$5,000 which is the maximum for a death claim, which amount the claimant has received, to pay her \$3,000 more.

Under all the circumstances the Government is not liable for one penny; it is not liable morally, it is not liable legally, it is not liable equitably.

Does the gentleman want us, because we are his good friends and because we appreciate him and because we would vote for him for probably any position for which he might run, to stand by and let this bill pass?

Mr. LEWIS of Maryland. The gentleman from Maryland only wants the gentleman from Texas to be willing to sub-

mit this matter to the conscience of the House and not deny this widow lady her day in court by a merely arbitrary objection.

Mr. BLANTON. The gentleman admits that she has received \$5,000 in cash?

Mr. LEWIS of Maryland. I do; but this one fact does not constitute the whole case.

Mr. BLANTON. The gentleman is a just man. Does he not think that there have been some pathetic cases here where men have been killed and have left their widows and little children in a terrible state of dependency? Does not the gentleman think that, if we pass his bill, we ought to go back and open up all the other cases and increase the amount allowed them from \$5,000 to \$8,000?

Mr. LEWIS of Maryland. The gentleman is a very skillful actor from the courthouse, one can see. All I am asking you and other Members here is that this matter be submitted fairly to the conscience of this body. May I make a further statement of the facts in a most general way.

Mr. BLANTON. Certainly.

Mr. LEWIS of Maryland. George H. Rooney, a man 37 years of age, a World War veteran, privately employed as a certified watchmaker in the city of Washington, was on his way home on October 14, 1930. He was earning a salary of \$4,000 a year. Alighting from a street car, he was run down by a police patrol automobile operating on the wrong side of the road.

Mr. BLANTON. In Washington, for Washington, and for the District of Columbia.

Mr. LEWIS of Maryland. If the gentleman has any doubt about the liability of the District of Columbia under this bill rather than the General Government, I shall thank him for an amendment which will relieve his doubt.

Mr. HOLLISTER. Will the gentleman yield?

Mr. LEWIS of Maryland. I yield to the gentleman from Ohio.

Mr. HOLLISTER. Does not the gentleman feel that when we have adopted a rule of thumb, you might say, over quite a period of time as to the amount that may be paid in a particular case we should stick to the rule?

Mr. LEWIS of Maryland. I do not. A rule that violates the laws of conscience and justice lives long enough if it lives but one session; and I should not be bound by it.

Mr. HANCOCK of New York. Is it not true that the law of the District fixes \$5,000 as the limit in such cases?

Mr. LEWIS of Maryland. The law probably does. This particular matter has been taken to the District Commissioners and they themselves confessed the injustice and inadequacy of the compensation paid. I may pay this tribute to their sense of justice. They tried to give the widow some sort of a position in the District service that would complete the compensation, but none could be found.

Mr. HOLLISTER. Was this man not an employee of the District?

Mr. LEWIS of Maryland. He was not. He was a private employee.

Mr. HOLLISTER. I mean the employee that caused the accident.

Mr. LEWIS of Maryland. The District police patrol was running along the wrong side of the road. As the decedent got out of the street car the police patrol struck him and hurled his dead body some 60 feet.

Mr. HOLLISTER. But a District employee did cause the accident and there is a limitation in the District of Columbia in such cases of \$5,000.

Mr. LEWIS of Maryland. That is to govern litigation in a courthouse. The bill provides that nothing shall go to attorneys. The gentleman from Texas has told us that nothing has gone to attorneys so far. Here is a widow with a child to raise, and with a little property on which there is a mortgage.

Mr. HANCOCK of New York. On what theory is there liability on the part of the Government?

Mr. LEWIS of Maryland. The liability is upon the District of Columbia and the bill is intended to fix the liability

only of the District of Columbia. It asks for additional compensation of \$5,000.

Mr. BLANTON. Will the gentleman yield further?

Mr. LEWIS of Maryland. I yield to the gentleman from Texas.

Mr. BLANTON. Where the District has a law fixing the maximum liability at \$5,000 for death from a tort, and where the people of the District of Columbia have to respond in taxes for all the money paid out of their funds, and where their rights are in our charge—we are the custodians of their rights—does the gentleman think it would be fair for us to override their laws and regulations in a particular case because it appeals to his heart and his conscience, not general to everybody, but just in this particular case? Does the gentleman think we ought to throw the law and all rules aside and pay out more money?

Mr. LEWIS of Maryland. Mr. Speaker, my answer to that is that whatever the rule of justice is when applicable to a private defendant is equally a rule of justice applicable to the District of Columbia. I know of no principle of justice upon which the District of Columbia may be permitted to reduce its obligation one half as compared with the liability of a private defendant.

Mr. BLANTON. I want to be fair with the gentleman from Maryland.

Mr. LEWIS of Maryland. I want the gentleman to be fair to this case.

Mr. BLANTON. It is now 23 minutes to 2 o'clock. If the gentleman will ask unanimous consent that at 3 o'clock we take this bill up under the general rules for consideration and each side be given 15 minutes' debate, and then vote on the question, we will meet the gentleman on the issue and let the Membership vote. If the gentleman will ask unanimous consent to that effect, I will not object.

Mr. LEWIS of Maryland. I think the gentleman's proposal has been made in good faith. The gentleman suggests that I ask that consideration be postponed until 3 o'clock?

Mr. BLANTON. If the gentleman will ask unanimous consent that at 3 o'clock we take this up under the general rules of the House, allowing 15 minutes on the side for debate, and let the Membership of the House vote on this matter, I shall not object, because I do not believe the House, after such debate, will pass the bill.

Mr. LEWIS of Maryland. Mr. Speaker, I make such a unanimous-consent request.

Mr. HOLLISTER. Mr. Speaker, reserving the right to object, may I point out again that we are establishing a precedent that is going to interfere with the orderly procedure in reference to the calling of the Private Calendar. A great many gentlemen have put aside a certain amount of time to come here and take care of their private bills. A precedent of this kind merely invites similar procedure in other cases, and I am therefore compelled to object.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLLISTER. I object.

AMATEUR BOXING IN THE DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table S. 828 to authorize boxing in the District of Columbia and for other purposes, with House amendments thereto, insist on the House amendment and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The Chair appointed the following conferees: Mrs. NORTON, Mr. PALMISANO, and Mr. WHITLEY.

BERYL ELLIOTT

The Clerk called the next bill, H.R. 1000, for the relief of Beryl Elliott.

Mr. HANCOCK of New York. Mr. Speaker, I object.

Mr. McKEOWN. Mr. Speaker, will the gentleman withhold his objection a moment?

Mr. HANCOCK of New York. I withhold it, Mr. Speaker, to permit the gentleman from Oklahoma to make a statement.

Mr. McKEOWN. Mr. Speaker, this bill has been reported favorably and passed by the House on one or two occasions.

Mr. HANCOCK of New York. I also note it has been objected to on several occasions, I may say to my friend.

Mr. McKEOWN. The only man who ever objected to it was Mr. Stafford.

Mr. HANCOCK of New York. Let me say very frankly to the gentleman from Oklahoma that I admire him for his persistence and aggressiveness. I note he appeared for this claimant before the Compensation Commission in 1926 and pleaded her cause and then made an application to reopen the case and filed additional evidence. The gentleman was unsuccessful in both of these attempts. For some reason he did not file an appeal but has been introducing bills for this woman's relief from 1926 to date. However, it does not seem to me we should be called upon to sit here as a court of appeals.

Mr. McKEOWN. They made it quite plain that this is the only appeal she can have. There is really no appeal from the order of the Commission, and they did not give us any appeal. They were willing to grant the relief if they had the power to do it. As a matter of fact, this woman is sick with tuberculosis, and she is a widow with a child. All we have asked is that she be given the same thing that has been given everybody else under the present rules. This case came up at a time when the rule was different from what it is today, and for that reason she was denied this relief. At that time they did not permit such tuberculosis cases to be considered, and that is why this relief was not granted. Since that time the rule has been changed.

This party contracted tuberculosis while she was employed in this hospital and today has active tuberculosis, and the only reason I have been persistent is because of the merit in the case.

Mr. HANCOCK of New York. We all admire the gentleman for his loyalty to his constituents.

Mr. McKEOWN. This woman does not even live in my district. She is now in San Antonio, Tex., where she has to live because of her tubercular condition. She was originally in my district, but in the early days she went into the service of the Government, and I have taken up her case, although she is not in my district. I have followed it with all the earnestness I possess, because of its real merit.

At the time this case was heard there was no allowance because of presumptive tuberculosis, and such claims were not paid.

This bill passed the House at one time, and I hope the gentleman will not press his objection. The gentleman will note that there is an amendment to the bill giving the Commission the right to consider this woman's case.

Mr. HANCOCK of New York. The Compensation Commission has specifically found twice, after very full hearing and careful consideration of the evidence to which the gentleman now refers, that the claim should not be allowed on the ground that the evidence did not show that the disease was incurred as a result of her employment by the Government. It is, of course, most unfortunate that anyone should have to suffer from tuberculosis, but there is no reason why the Government should pay an annual retirement allowance unless the disease was the result of her service with the Government. After careful consideration we have two decisions that the tuberculosis was not incident to such service, and I do not feel we are qualified here to overrule the decision of the Compensation Commission.

Mr. McKEOWN. I may say to the gentleman that Dr. Erwin, who was considered one of the ablest men on the gentleman's side of the House, went into this case very thoroughly, and he was the first man to report this bill from the Committee on Claims, based upon the evidence we have in these affidavits showing her contact with this disease.

Mr. HANCOCK of New York. That evidence was before the Employees' Compensation Commission?

Mr. McKEOWN. Not these affidavits.

Mr. HANCOCK of New York. And it was submitted by the Employees' Compensation Commission to the Committee on Claims of the House?

Mr. McKEOWN. Only part of the evidence was submitted to the committee. Mr. Underhill was chairman of the committee at that time and had this woman examined to ascertain her condition, and I am sure the gentleman does not want to do this poor woman an injustice.

Mr. HANCOCK of New York. It is extremely difficult to deny my friend from Oklahoma anything, but I do not think we are justified in overruling two decisions of the Employees' Compensation Commission, based on the same evidence.

Mr. McKEOWN. At the time those decisions were rendered, this new rule had not been adopted. If any such person contracts tuberculosis I think he ought to be paid just the same as he would be paid for losing a finger or anything of that sort.

Mr. HANCOCK of New York. I do, too, but that question has twice been determined by the Commission adversely to this claimant.

Mr. McKEOWN. But the decisions were not based upon that theory.

Mr. HANCOCK of New York. The gentleman's bill amounts to an adjudication that this woman is entitled to compensation.

Mr. McKEOWN. The committee had this matter up, and I am sure the gentleman does not want to do this poor widow an injustice. It does not mean a thing to me, because she does not even live in my district and she cannot even vote for me. I am simply pleading now that the gentleman, out of the goodness of his heart, will do the right thing by this woman, because I know the circumstances are just as set out here. She was a very healthy woman and was put in the room where these men were who were suffering from tuberculosis, and she was thrown in constant contact with them, and there was not proper ventilation, and so forth. There is no question about the facts.

Mr. HANCOCK of New York. I feel I must object to the bill for the present.

Mr. McKEOWN. I hope the gentleman will not do that.

Mr. HANCOCK of New York. If I can see it in any different way after further study, I shall ask that we return to the bill and consider it.

Mr. McKEOWN. That means killing the bill, and I have been working on this for 5 years. Mr. Stafford was the only man who ever objected to the bill, and the bill has been passed by the House.

Mr. HANCOCK of New York. I myself shall ask that it be reconsidered if, after further study, I come to the conclusion that the gentleman's viewpoint is correct, but at the present time I cannot see it in that way.

Mr. McKEOWN. I do not think the gentleman should object.

The SPEAKER pro tempore (Mr. LAMNECK). Is there objection to the present consideration of the bill?

Mr. HANCOCK of New York. I object, Mr. Speaker.

LYDIA C. SPRY

The Clerk called the next bill on the calendar, H.R. 1248, granting insurance to Lydia C. Spry.

The SPEAKER pro tempore. Is there objection?

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

JAMES E. DETHLEFSEN

The Clerk called the next bill on the calendar, H.R. 1402, for the relief of James E. Dethlefsen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to James E. Dethlefsen, who sustained injuries at Nenana, Alaska.

With the following committee amendment:

Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The committee amendment was agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I offer the following amendment: In line 5, after the word "appropriated", insert "in full settlement of all claims against the Government of the United States."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FIRST CAMDEN NATIONAL BANK & TRUST CO., CAMDEN, N.J.

The Clerk called the next bill on the calendar, H.R. 1488, for the relief of the First Camden National Bank & Trust Co., of Camden, N.J.

The SPEAKER pro tempore. Is there objection?

Mr. TRUAX. I reserve an objection.

Mr. WOLVERTON. The purpose of the bill is to authorize the Secretary of the Treasury to pay to the First Camden National Bank of Camden, N.J., the sum of \$11,120.97 in full satisfaction of its claim for refund of taxes erroneously paid for the year 1927 on income from certain securities, through a mutual mistake made by the bank's accountant and by the representative of the Internal Revenue Department of the Government.

Mr. TRUAX. When was the claim filed?

Mr. WOLVERTON. I do not understand what the gentleman means by "filed."

Mr. TRUAX. With the Treasury Department.

Mr. WOLVERTON. It is not a case that comes within the statute permitting a claim to be filed with the Treasury Department. While the Treasury admits that the claimant made an overpayment, yet the Treasury Department takes the position that they cannot set aside the agreement which resulted in the overpayment and which was clearly an error. In other words, the Government of the United States is now in possession of \$11,120.97 to which it admits it is not entitled because of the error made by the accountant of the bank and which error was likewise made by its own representative from the revenue department.

Mr. TRUAX. I will say that I am opposed to this bill on the same ground that I have objected to others, namely, that for years I have been protesting against the refund of income taxes to corporations and individuals. I believe we have drained our Treasury in the past 12 years through illegal and unjust refunds to large corporations and rich individuals.

In this particular case the sum of \$11,120.97 is involved, which amount is considerably more than the salary of any one of us for a year.

Mr. WOLVERTON. It is not a question of amount. It is a principle that is involved. Should the Government retain money which it acknowledges was paid through a mutual mistake? It may be that in the past refunds have been made by the Treasury to large corporations and others which the gentleman may feel were not justified; however, that is not the case of this claim. This is an overpayment to the Government which has been acknowledged as such by the Treasury, but, unfortunately, holds that by the signing of a settlement agreement under section 606 of the revenue act, the Treasury is precluded from making a refund, even though the original payment was through an error, and one in which the Government participated

through its representative. If such agreement had not been signed, this claimant would not be in the position it is now in; that is, required to obtain legislative sanction for the Treasury to repay the money. The bank had been honest and fair in making its return of income to the Government and should not now be penalized for having made a mistake and for having signed an agreement form presented in a casual way by the Government representative, and which form had no proper use in this particular case.

Mr. TRUAX. We have also advanced to the banks of this country \$4,000,000,000 through the Reconstruction Finance Corporation and other agencies. The banks have not passed this credit on down to the people who deal with the banks but they have hoarded this money to keep themselves liquid. As one Member of the House, I have reached the point where I refuse to go along on any plan that will help the banks and not the individual depositors. Hence my urgent and enthusiastic support of the McLeod bill.

Mr. WOLVERTON. I join with the gentleman in that. I have likewise signed the petition to bring the McLeod bill before the House for action.

Mr. TRUAX. I congratulate the gentleman on that.

Mr. WOLVERTON. Will the gentleman allow me to state the actual facts in this matter? I desire to show how unjust it would be to deny this claim.

Mr. TRUAX. I am sorry, but I must inform the gentleman in advance that I am going to object to this bill.

Mr. WOLVERTON. Will the gentleman hear me through?

Mr. TRUAX. Yes.

Mr. WOLVERTON. I think the gentleman will find, from a careful examination of the underlying facts of this case, that whatever objection he may have to the Government making general refunds in tax cases, such would not apply to this particular case. Nor do I believe that if he gives careful consideration to the facts will any reason be found to justify an objection.

Mr. ZIONCHECK. Mr. Speaker, I demand the regular order.

Mr. WOLVERTON. Will the gentleman withhold that demand?

Mr. ZIONCHECK. I think that adequate explanation has been made. The gentleman from Ohio [Mr. TRUAX] is either going to object or not object.

Mr. BLANTON. Let me appeal to my friend from Washington. The gentleman from New Jersey [Mr. WOLVERTON] has done some of the most valuable work in this House on the Committee on Military Affairs that has been done by anyone, and he deserves some special consideration. I think the gentleman should be permitted to complete his statement.

Mr. ZIONCHECK. Is this an \$11,000 speech that he is making now?

Mr. BLANTON. He has saved for the Government 11 times \$11,000 in some of the work that he has done.

Mr. ZIONCHECK. Very well, I withdraw my demand for the regular order.

Mr. WOLVERTON. I thank you. With reference to the suggestion that large payments in the form of refunds have been heretofore made without proper justification, and to which the gentleman's approval—

Mr. TRUAX. Large and small, I would say.

Mr. WOLVERTON. I have voted every time the opportunity has been given on this floor against the method that permits that sort of thing to be done in the privacy of the departments without knowledge thereof coming to this House. But, my objection to such a procedure in some cases would certainly not apply to a case where it was apparent that the payment for which a refund was sought, was the result of a mutual mistake or error participated in by both the claimant and the Government.

Mr. TRUAX. Would the gentleman vote for a bill that would make it illegal for the Treasury Department to refund any income taxes back beyond the preceding calendar year?

Mr. WOLVERTON. I would be inclined to do so.

Mr. TRUAX. I am glad to hear the gentleman say that.

Mr. WOLVERTON. I believe that there should be some change in the method or procedure by which refunds are made. Whether it should be limited to one calendar year or some other limitation is a matter for consideration.

Mr. TRUAX. Will not the gentleman concede that if it is wrong in the case of the big refund, it is wrong with the little refund, if the same principle is involved?

Mr. WOLVERTON. That might seem to follow, but in no case where it is agreed that the payment was made by error should any procedure be adopted that would preclude the Government from being just as honest as an individual should be. There should be the same duty to repay. The moral obligation is the same. The Treasury Department admits that this bank has overpaid the Government to an amount over \$11,000. It also admits that the error made by the bank accountant was also made by the Government agent who examined the income-tax return of the bank. The gentleman has spoken about the attitude of banks. In reply to his suggestion that banks have been willing to receive help from the Reconstruction Finance Corporation and unwilling to extend it to others, permit me to say that such a criticism does not apply to the First Camden National Bank, this claimant. In the strenuous days that followed the collapse of 1929, before there was any legislation to help banks, either by voluntary association or by means of the Reconstruction Finance Corporation, this bank, being in a position to do so, loaned of its resources to other banks. It deposited large sums of its own funds in other banks. It also loaned large sums on long-term obligations to other banks in order that no loss might come to depositors by a closing of any bank in that city. The action of this bank, with the cooperation given to it by another bank, stabilized the whole banking situation in the locality in which it exists.

Mr. TRUAX. I do not doubt the gentleman's statement, and I think the bank is to be commended for its action, but I note in the report from Mr. Ogden L. Mills, Secretary of the Treasury, that the Treasury Department is opposed to the enactment of the bill.

Mr. WOLVERTON. Would the gentleman from Ohio take the opinion of Ogden Mills on anything other than this?

Mr. TRUAX. No.

Mr. WOLVERTON. The hypocrisy of the thing—

Mr. TRUAX. Does the gentleman mean the hypocrisy of the bill or of Mr. Mills?

Mr. WOLVERTON. Of Mr. Mills—that he should object to this payment, if it be true, that he has either individually through interests he has, by estate or otherwise, had the very benefits through the Treasury Department that his report denies to this bank.

Mr. TRUAX. Is not Ogden Mills the one who is wanting to reorganize the gentleman's party?

Mr. WOLVERTON. If President Roosevelt is as popular in 1936 as he seems to be today, I am fearful it would not help the Republican cause to give the Republican nomination to Ogden Mills.

Mr. TRUAX. That is about the strongest argument which the gentleman has made yet, but the point I wanted to make is this: That if a refund could not be obtained under either Mr. Mellon or Mr. Mills, then God knows who it could be obtained from.

Mr. WOLVERTON. I think the House should do so. There is no question about the moral obligation. Suppose you and I sat down today and went over our accounts, and tomorrow, or the next month or next year, we found we had made a mistake; that I had taken from you \$11,000 by a mutual mistake that we both had made. Certainly the gentleman from Ohio would expect me to refund it, and if it were the other way about, I know the gentleman would refund it to me. There would be no question about that.

Mr. TRUAX. There seems to have been a mistake made in favor of the Steel Trust during Mr. Mellon's regime to the extent of \$100,000,000.

Mr. WOLVERTON. I would prefer to talk about this particular case. When the auditor from the Department of Internal Revenue came to the bank, as they do each year,

to check up, he found, as they always had found in the past, that there was no objection to be made to the return as rendered. In the same manner as theretofore the auditor representing the Department so reported to the officers of the bank and had them sign a slip of paper or form which they supposed was a certification that everything was all right. When the Government auditor had completed his examination he said: "I find everything all right. Here is a little slip of paper. Sign it." They signed it, thinking it was an O.K. Now the Department uses that form to say that it was a settlement and yet there never was anything in dispute. In other words, the Government used a form that should have been used in a case where there had been a dispute between the Government and the taxpayer as to what should or should not be allowed, but in this case there was no dispute. Now, the Department is standing on that form to preclude payment.

Here is a case where the Government acknowledges it has the money wrongfully, but cannot pay it back, and consequently this bank is obliged to come before this House and ask for favorable consideration of this bill. If there is one agency in this land that should be fair with its citizens, it is the Government, and if the Government expects its citizens to be honest with it, it should be honest with them. I know, and the gentleman knows, that if two individuals had made this acknowledged mutual mistake between them, they would settle it between themselves. I certainly hope the gentleman will withdraw his objection and permit the Government to do that thing which the Government and I and everyone else knows would be done in our private affairs, and thereby set a proper example.

Mr. TRUAX. I will say that the gentleman has made a most eloquent and forceful speech, and if words or if sincerity could change an inherent principle that I have agreed to stand behind upon all tax revisions coming on the Private Calendar, his eloquence and his sincerity and his convincing and evidently wholly truthful statement would accomplish that purpose. It would be a wonderful thing if this great Government of ours would today start to do simple justice to every one of our citizens. It would be a great thing if this Congress would permit the Frazier bill to be enacted into law so that 3,000,000 farmers who are hanging on by the skin of their teeth, threatened with foreclosure by money lenders and by banks and by the Farm Credit Administration, could be taken care of.

Mr. WOLVERTON. May I say to the gentleman that I do not think he will find many on this side of the aisle who have voted for more of the President's recovery measures than I have.

Mr. ZIONCHECK. It is with the deepest regret that I am compelled to object to this bill.

The SPEAKER pro tempore. Objection is heard.

BENJAMIN STERN ET AL.

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 342, H.R. 265, for the relief of Benjamin Stern, and Melville A. Stern and Benjamin Stern, as executors under the last will and testament of Louis Stern, deceased, and Arthur H. Hahlo, as executor under the last will and testament of Isaac Stern, deceased, all of New York City, N.Y., for compensation and in settlement of their damages and loss sustained by virtue of a lease, in writing, dated September 12, 1919, between the said parties and the United States of America, by Daniel C. Roper, Commissioner of Internal Revenue.

Mr. HOLLISTER. Reserving the right to object, was the gentleman here when that bill was called?

Mr. BOYLAN. No. I was engaged in committee work. The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HOPE. Mr. Speaker, I object.

Mr. BOYLAN. Will the gentleman withhold his objection?

Mr. HOPE. I withhold it.

Mr. BOYLAN. May I ask what the gentleman's objection is based on?

This man actually suffered a loss of \$43,000. The committee amended the bill to make it read \$30,000.

The issue in question involves a lease. The claimant had an office building in New York in which the collector of internal revenue wanted to engage offices for the third district. The collector of internal revenue was so anxious to get into the building that the owner had to pay a bonus of \$10,000 to a tenant to vacate in order that the Internal Revenue Bureau could get possession of the premises. The owner then spent \$2,500 for alterations and repairs.

The Internal Revenue Department entered into a lease for 5 years and 4 months, but after the expiration of 8 months it moved out and abandoned the premises.

Surely the gentleman from Kansas would not say that this was fair or equitable treatment after a representative of the Government had actually signed a lease for a period of 5 years and 4 months.

Mr. HOPE. The gentleman from New York does not contend that a valid legal lease was signed in this case, does he?

Mr. BOYLAN. Yes; a valid lease was signed by the Commissioner of Internal Revenue.

Mr. HOPE. Clearly, the officer who signed that lease or who made the agreement had no right to do so under the provisions of the Federal Statutes. He had no right to make a lease for a longer period than a year; and this, of course, is the reason the Treasury Department has disapproved this bill.

Mr. BOYLAN. Similar leases are entered into every year in the city of New York. I can cite instances of leases that have covered a period of 10 years.

Mr. HOPE. Those leases in fact were annual leases renewable from year to year. As I understand it, there is no way that the Government can make a lease for a period longer than 1 year, because there is no authority of law for a lease to be made for a longer period. Is not this a correct statement of the law in the case?

Mr. BOYLAN. The owner having that in mind brought it up very particularly, as the gentleman will see by reference to page 2 of the report:

But the claimants refused to lease unless the Department agreed not to put in the lease the usual cancellation clause and demanded assurances that the Department would remain in occupancy for 5 years and 4 months except on one contingency, that is, in the event that Congress failed to appropriate money for the entire Revenue Service. This was incorporated in the lease (see exhibit D), the clause in the lease was interpreted in a collateral letter of the Commissioner of Internal Revenue (Roper) to mean:

"This means, therefore, that one lease binding for entire 5 years and 4 months period will be made subject only to cancellation in case Congress fails to make appropriation to revenue department, a condition that the agent should readily see could not arise."

On receipt of this assurance from Roper and on Roper's agent McQuillan's similar assurance, the claimant owners signed and delivered the lease with a covering letter stating that the lessor understood the lease to mean:

"That the failure to make appropriations for the payment of the rent applies for the whole of the Revenue Service and not to this particular lease. This is in accordance with the statement contained in the telegram of September 6 to the effect that cancellation is to be effective only in case Congress fails to make appropriations to the Revenue Service."

Now, the gentleman would not hold that the Government could idly sign a lease or a contract and then violate it. The gentleman would abhor that in private practice. The gentleman would say that a citizen was certainly without protection, that he was without a leg to stand on with the Government if after faithfully and honestly entering into a contract with the Government it was repudiated. The converse of this proposition is equally true.

Mr. HOPE. It may be true that some agent of the United States Government made some entirely unauthorized statements and representations in this matter, but if they were made they certainly were not binding on the Government of the United States in any way, and I fail to see any equities in this case which would justify us in granting this relief, or any more relief, than would be permissible under a strict interpretation of the law.

Mr. BOYLAN. Has the gentleman read the report? In the first place the owner had to pay a bonus of \$10,000 to get the premises for the Government to occupy. There is no denial of that. In addition he had to pay \$2,500 for the alterations required. Surely the gentleman from Kansas would not hold that the Government was acting fairly, after causing the owner to incur these expenses, if it did not compensate him for them. Surely the gentleman from Kansas does not believe that the Government ought idly to enter into a lease for a period of 5 and 4 months and then abandon the premises after 8 months. The gentleman does not consider that fair, I know.

Mr. HOPE. As I say, there may have been some unauthorized statements by representatives of the Government which might have misled the owner of this building. I would not say there were not, although that is disputed, I think.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. BOYLAN. Certainly.

Mr. BLANTON. If our friend from New York would take 5 minutes and discuss one of his many humorous subjects, possibly he might get his bill through. We should like to hear him on some humorous topic.

Mr. BOYLAN. Well, if the gentleman will put the bill through I will talk on any subject he may name. [Laughter.] Not only for 5 minutes but for 30 minutes if it should be desired.

Mr. BLANTON. Give us a little talk about March 17.

Mr. BOYLAN. I shall be very happy to if this bill is passed.

Mr. HOPE. Mr. Speaker, much as I regret it, I am obliged to object.

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

HENRY STANLEY WOOD

The Clerk called the next bill, H.R. 1802, for the relief of Henry Stanley Wood.

Mr. TRUAX. Mr. Speaker, I shall have to object to this bill on the same grounds mentioned in the case of the preceding bill.

Mr. BEEDY. If the gentleman from Ohio has settled in his own mind that he is going to object, there is no use of my taking up the time of other Members. A Member is always anxious to do this duty by his claimant constituents, and we are always disappointed when we do not have a chance to present the case, but I think it is an imposition upon other Members to insist upon arguing these cases when a Member, who has given the matter some study, is conscientiously determined that he is going to object. If the gentleman has decided to object, I am sure he does so in good conscience, and I shall therefore not insist on detaining the House, much to my regret.

Mr. TRUAX. Mr. Speaker, I object.

CORINNE BLACKBURN GALE

The Clerk called the next bill, H.R. 1870, for the relief of Corinne Blackburn Gale.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Corinne Blackburn Gale, widow of William Holt Gale, late American Foreign Service officer, retired, the sum of \$8,000, being 1 year's salary of her deceased husband.

With the following committee amendment:

Page 1, line 7, after the word "husband", insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim,

any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

PHILIP F. HAMBSCH

The Clerk called the next bill, H.R. 1933, for the relief of Philip F. Hambsch.

Mr. TRUAX. Mr. Speaker, reserving the right to object, the Secretary of the Treasury recommends a lesser amount than the amount contained in the bill. May I ask the gentleman if he would be willing to have the bill amended?

Mr. COLE. An amendment to that effect will be agreeable.

Mr. HANCOCK of New York. Would the gentleman from Maryland object to an amendment adding the usual attorney-fees clause to the bill?

Mr. COLE. Not at all. As a matter of fact, there is no attorney in this transaction.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to credit the account of Philip F. Hambsch, formerly a special disbursing agent of the Bureau of Prohibition, with the sum of \$622.58, such amount representing sums disbursed by him and disallowed by the Comptroller General in certificate of settlement of account no. K-40891-TI, March 14, 1929.

Sec. 2. The surety on the bond of said Philip F. Hambsch, as such special disbursing agent, is hereby relieved of any liability on account of such disallowance.

Mr. TRUAX. Mr. Speaker, I offer the following amendment: On page 1, line 6, strike out "622.58" and insert in lieu thereof the sum of "\$572.36."

The Clerk read as follows:

Amendment offered by Mr. TRUAX: Page 1, line 6, strike out "\$622.58" and insert in lieu thereof "\$572.36."

The amendment was agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I offer an amendment. At the end of the bill add the usual attorney-fees clause.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: At the end of the bill add the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NORMAN C. BRADY

The Clerk called the next bill, H.R. 1935, for the relief of Norman C. Brady.

Mr. HOPE. Mr. Speaker, I object. I will reserve my objection if the gentleman desires to make a statement.

Mr. COLE. May I ask the gentleman what his objection to the bill is?

Mr. HOPE. I object to the principle of the bill. I do not believe we should start in and establish a precedent here that the Government of the United States is liable in damages which might occur from failure to deliver a letter. It seems to me that if we get started in that field there will be no limit.

Mr. COLE. I may say to the gentleman that I do not know whether there is any precedent for a bill of this character or not, but what remedy will a man have if the Post

Office Department delivers a registered letter to the wrong addressee and the man suffers an admitted loss?

Mr. BLANTON. There is the remedy that he can use private messenger service. For the small fee of 18 cents which permits a return card showing receipt of the letter, there is no government in the world that could guarantee the safe delivery of a registered letter by paying damages. All of us who deal with the Government know that when we register a letter the Government is not informed of the importance of the letter and does not know what is on the inside of the letter.

Mr. HASTINGS. Why does the Government take the man's money?

Mr. BLANTON. Whenever we establish such a precedent, there would be all sorts of frauds upon the Government.

Mr. HASTINGS. The gentleman does not answer the question. Why does the Government take this extra postage from the man, except to insure the speedy and safe delivery of the letter?

Mr. BLANTON. Does not the gentleman from Oklahoma know that if you establish such a precedent it would bankrupt the Government with all sorts of claims?

Mr. HASTINGS. That is not the point. The gentleman dodges the issue.

Mr. BLANTON. No; I do not. I say it is foolish for an American citizen to register something that is valuable and expect the Government to pay big damages.

Mr. COLE. Let me disabuse the gentleman's mind. There was no money in this particular letter. This poor fellow—and I know he is very poor—had pawned some valuable property.

Mr. ZIONCHECK. When he pawned this \$265 article, did he not receive in return, say, \$80 or \$90? He pawned it for a consideration.

Mr. COLE. Yes. He had the pawn ticket, which, of course, entitled him to redemption of the goods.

Mr. ZIONCHECK. He would have had to pay a certain amount of money to get the goods back, if he had already received \$90 or \$100.

Mr. COLE. He has to be notified as to the expiration of the pawn ticket under the law of Maryland. The pawnbroker sent the notice by registered mail. The carrier was disciplined.

Mr. HOPE. There is nothing in the record to show that this was sent by registered mail.

Mr. COLE. My understanding is that it was sent by registered mail.

Mr. HOPE. That would not make any difference anyway.

Mr. COLE. I do not think in principle it would.

Mr. BLANTON. I do not think we could ever afford to establish a precedent of having the Government pay losses on account of the failure of delivery of registered mail, because the gentleman from Oklahoma, who serves well and ably on the Appropriations Committee, could not put in enough hours during the year to appropriate money in order to pay all the claims arising therefrom.

Mr. HASTINGS. I believe the Government of the United States is broad enough and rich enough to do justice to every one of its citizens. If the Government has done an injustice, or if its agents have caused a loss to an individual on account of the failure of delivery of a registered letter and there was a loss by reason of that fact, then I think the Government should pay the loss. The man paid an extra amount to have the letter safely delivered. I do not know a thing about the facts in this case.

Mr. COLE. May I say that the letter was properly addressed. The Post Office Department had a forwarding address of a man with a similar last name. The postman delivered it to the wrong place. Later on he went and found all of this property had been sold by the pawnbroker and on pressing for an explanation he was told that he had been sent notice through the mail. He produced the receipts, went to the post office and they found that the letter, through no fault of this man, had been delivered to the wrong person.

Mr. TRUAX. Was it a registered letter?

Mr. COLE. It is my understanding the letter was registered.

Mr. TRUAX. But the gentleman is not sure about that?

Mr. COLE. No; I am not. Of course, all the Post Office Department could do was to reprimand the carrier for dereliction of duty, gross carelessness, and negligence.

Mr. HOPE. Mr. Speaker, much as I regret to do so, I feel I must object.

THE PRIVATE CALENDAR

R. A. HUNSINGER

The Clerk called the next bill, H.R. 1977, for the relief of R. A. Hunsinger.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice, to be called up at the next call of the calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

LOTTIE NAYLOR

The Clerk called the next bill, H.R. 2036, for the relief of Lottie Naylor.

Mr. HOLLISTER. Mr. Speaker, I object.

Mr. PALMISANO. Mr. Speaker, my colleague, the gentleman from Maryland, is unavoidably absent on account of illness, and I ask unanimous consent, in his absence, that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ANNE B. SLOCUM

Mr. BACON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 341, the bill (H.R. 210) for the relief of Anne B. Slocum. The gentleman from Ohio asked that the bill be passed over without prejudice, and the gentleman is agreeable to this unanimous-consent request.

Mr. ZIONCHECK. Mr. Speaker, reserving the right to object, what is this bill?

Mr. BACON. It is a bill for the relief of Anne B. Slocum, the widow of a Foreign Service officer who died while on his post in Foreign Service. The State Department has no objection to the bill and there are long lines of precedents in favor of its passage.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Anne B. Slocum, widow of Clarence Rice Slocum, late American consul at Fiume, the sum of \$3,500, being 1 year's salary of her deceased husband, who died while in the Foreign Service; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

With the following committee amendment:

At the end of the bill insert "*Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JEANIE G. LYLES

The Clerk called the next bill, H.R. 2038, for the relief of Jeanie G. Lyles.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jeanie G. Lyles, of Anne Arundel County, Md., mother of De Witt C. Lyles, late lieutenant, Twentieth Regiment United States Infantry, the sum of \$2,500, which sum is hereby appropriated for the invention, by the said Lt. De Witt C. Lyles, of an attachment to the packsaddle frames used by the United States Army; and for the further use by the Army from said date of said invention there shall not be paid any further sum.

With the following committee amendments:

Page 1, line 8, strike out "\$2,500" and insert "\$1,500", and on page 2, line 3, insert: "*Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*"

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WESTERN ELECTRIC CO., INC.

The Clerk called the next bill on the calendar, H.R. 2182, for the relief of the Western Electric Co.

The SPEAKER pro tempore. Is there objection?

Mr. TRUAX. Reserving the right to object, this provides for payment from the Treasury of the sum of \$7,192.35 to the Western Electric Co., that is affiliated with the Power Trust of this country, on a cost-plus contract that goes back to June 1920. I can see no merit whatever in the bill, and therefore I object.

WESTERN ELECTRIC CO., INC.

The Clerk called the next bill on the calendar, H.R. 2183, for the relief of Western Electric Co., Inc.

The SPEAKER pro tempore. Is there objection?

Mr. TRUAX. I object.

ENOCH GRAF

The Clerk called the next bill on the calendar, H.R. 2203, for the relief of Enoch Graf.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Enoch Graf, first lieutenant, Quartermaster Corps, United States Army, the sum of \$2,644.61. Such sum represents the net loss sustained by Lieutenant Graf due to financial irregularities and frauds against the United States by a civilian employee of the Quartermaster Corps at Camp Custer, Mich., during the period from October 1926 to October 1927, for which Lieutenant Graf was held responsible.

Mr. HOPE. Mr. Speaker, I offer the usual attorney's fee amendment.

The Clerk read as follows:

Add at the end of the bill the following: "*Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*"

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUGUSTA BURKETT

The Clerk called the next bill on the calendar, H.R. 2338, for the relief of Augusta Burkett.

The SPEAKER pro tempore. Is there objection?

Mr. HANCOCK of New York. I object.

JOE G. McINERNEY

The Clerk called the next bill on the calendar, H.R. 5542, for the relief of Joe G. McInerney.

The SPEAKER pro tempore. Is there objection?

Mr. HANCOCK of New York. The gentleman has no objection to an amendment using the ordinary language, "back pay, pension, or allowance", in this bill?

Mr. McMILLAN. Not at all.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Coast Guard, their widows, children, and dependent relatives Joe G. McInerney shall be held and considered to have been discharged under honorable conditions as a coal heaver from the cutter *Forward* on December 13, 1902: *Provided*, That no pay or bounty shall be held to have accrued prior to the date of the enactment of this act.

Mr. HANCOCK of New York. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 9, after the word "no", strike out "pay or bounty" and insert the words "back pay, pension, or allowances."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RUSSELL H. LINDSAY

The Clerk called the next bill, H.R. 5886, for the relief of Russell H. Lindsay.

The SPEAKER pro tempore. Is there objection?

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. HANCOCK of New York. Mr. Speaker, I object.

LT. H. W. TAYLOR

The Clerk called the next bill, H.R. 5780, for the relief of Lt. H. W. Taylor, United States Navy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$52 to Lt. H. W. Taylor, United States Navy, to reimburse him for travel expenses incurred in connection with an airplane flight from Philadelphia, Pa., to Key West, Fla., in December 1925, under orders issued by naval authorities.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN OFFICERS OF THE DENTAL CORPS, U.S.N.

The Clerk called the next bill, H.R. 6690, for the relief of certain officers of the Dental Corps of the United States Navy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That all commissioned officers now on active duty in the Dental Corps of the United States Navy who, while heretofore on active duty as reserve or temporary commissioned officers, had qualified for appointment to the Dental Corps of the United States Navy pursuant to an examination held at the United States Naval Medical School, Washington, D.C., in January 1920, and who since that date have continuously served on active duty, shall hereafter be entitled to a position on the precedence list in accordance with that attained in said examination: *Provided*, That such officers of the Dental Corps shall be assigned running mates for promotion purposes in accordance with their precedence as so determined: *And provided further*, That no back pay or allowances shall accrue to any officer by reason of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KARIM JOSEPH MERY

The Clerk called the next bill, H.R. 2339, for the relief of Karim Joseph Mery.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Karim Joseph Mery, of San Antonio, Tex., out of any money not otherwise appropriated, the sum of \$5,000 as compensation for the death of his son, Joseph Karim Mery, a minor, who was killed at San Antonio, Tex., on July 10, 1923, by the negligent driving of a United States Army truck.

With the following committee amendment:

Page 1, line 9, after the word "truck", insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RUSSELL & TUCKER

The Clerk called the next bill, H.R. 2340, for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas.

The SPEAKER pro tempore. Is there objection?

Mr. HOPE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice, to be returned to later in the day.

The SPEAKER pro tempore. Is there objection?

There was no objection.

RELIEF OF CERTAIN NEWSPAPERS

The Clerk called the next bill, H.R. 2431, for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department.

The SPEAKER pro tempore. Is there objection?

Mr. HANCOCK of New York. Mr. Speaker, I reserve the right to object.

Mr. LUDLOW. Mr. Speaker, this bill was drafted by the Treasury Department to pay a very honest debt that was contracted by the Government. There is no question about the moral obligation to pay for this advertising.

Mr. HANCOCK of New York. Mr. Speaker, will the gentleman explain why this account has been held up for 16 years and no action taken upon it?

Mr. LUDLOW. I cannot. I suppose I inherited the bill, I might say, by reason of the fact that I was so long associated with the press gallery, and this being the bill for the relief of various newspapers I was called upon to introduce it. I looked into the matter and consulted the Treasury officials, and satisfied myself that it is a perfectly good claim. There is no question about the facts. The services were rendered. These advertisements were published. The only reason why the accounts were not allowed in regular order was through inadvertence. They were placed by the Public Health Service in the regular way but through inadvertence they did not get to the Secretary of the Treasury for his formal approval.

Mr. HANCOCK of New York. It is not what we call a lawyer's bill, an old claim that has been revived?

Mr. LUDLOW. I think not. It was brought to my attention by one of the principal men in the newspaper business in the city of Indianapolis, who asked me to look after it. I know he is in entire good faith, and I know that the claim is a righteous one in that the service was rendered and the bill before you was actually drawn by the Treasury Department, as the report shows, in order to pay this claim. The Department recognizes that the claim is a valid one.

Mr. HANCOCK of New York. Where claimants have slept on their rights for a long period of years most of us have an inclination to object to their claims.

Mr. LUDLOW. I can appreciate that. These are great newspapers. They are not pressing this. They are not in

financial straits or anything like that, but it is a righteous claim for services rendered.

Mr. HANCOCK of New York. It appears to be an honest debt.

Mr. LUDLOW. It is an honest debt, and it is up to the Congress to decide whether or not an honest debt is to be paid. That is all there is to it, and that is all I have to say.

Mr. HANCOCK of New York. I think the principle of the statute of limitations ought to apply after a lapse of years. I do not know just when that time arrives.

Mr. LUDLOW. As far as I know, there is no statute of limitations in a case like this.

Mr. HANCOCK of New York. There would be as between private individuals, of course. The ordinary individual debt outlaws in 6 years.

Mr. LUDLOW. The service was rendered in 1918. The advertisements were published, and everything was done by the newspapers to comply with the requirements of the Government.

Mr. HANCOCK of New York. My question is, Have they made any effort to collect this debt?

Mr. LUDLOW. Since that time?

Mr. HANCOCK of New York. Yes.

Mr. LUDLOW. I know only what is set forth in the report. I have an itemized statement here of the papers which published the items.

Mr. HANCOCK of New York. Has the gentleman introduced the same bill at previous Congresses?

Mr. LUDLOW. I did introduce it. It was reported out favorably in two previous Congresses.

Mr. HANCOCK of New York. I shall not object.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized notwithstanding the provisions of section 3828 of the Revised Statutes of the United States, to settle, adjust, and certify the following claims for advertising services rendered the Public Health Service, Treasury Department, namely: The claims of certain Chicago newspapers for advertising services rendered October 3, 1918, amounting in all to \$2,894, under the appropriation "Suppressing Spanish influenza and other communicable diseases, 1919"; the claim of a Houston (Tex.) newspaper, \$65.17; and the claim of a New York newspaper, \$30, for advertising services rendered between June and October, 1920, under the appropriations "Pay of personnel and maintenance of hospitals, Public Health Service, 1920", and "Maintenance, marine hospitals, 1921."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had agreed to a concurrent resolution of the House of the following title:

H.Con.Res. 35. Concurrent resolution requesting the President to return to the House of Representatives the bill H.R. 3521 for the purpose of correcting an error in said bill.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. 3022) to amend sections 3 and 4 of an act of Congress entitled "An act for the protection and regulation of the fisheries of Alaska, approved June 26, 1906, as amended by act of Congress approved June 6, 1924, and for other purposes.

THE PRIVATE CALENDAR

HOMER J. WILLIAMSON

The Clerk called the next bill, H.R. 2432, for the relief of Homer J. Williamson.

Mr. TRUAX. Reserving the right to object, this is another bill to refund income taxes in the sum of \$1,045.81, and it was paid in 1918 and 1919.

Mr. LUDLOW. Will the gentleman withhold his objection?

Mr. TRUAX. I will.

Mr. LUDLOW. I certainly hope that my friend will have a heart in this case, because I think there never was a more meritorious bill brought before this Congress. The beneficiary of this bill is a splendid young man, a candy manufacturer of Indianapolis. He was in doubt as to how to fill

out his income-tax blank for the calendar year 1918. He wanted to fill it out honestly, so what did he do? He went to the Federal building in Indianapolis to consult the revenue agents there, the experts who among all persons are supposed to know how to fill out these returns. He took with him his trial balance and his other data and he placed all the information on the table right before this agent of the Government. The agent filled out his return for him, an agent of the Government, not the taxpayer, and the agent made a mistake. Owing to that mistake the taxpayer was overcharged in the sum of \$1,045.81 on his taxes for the calendar year 1918. He knew nothing about it. It went along year after year and not until the 5-year period of the statute of limitations had expired, did another representative of the Government, in overhauling the same taxpayer's return for the calendar year 1919, discover that an agent of the Government had misinformed this man and had incorrectly made out his return, and as a result he had been overcharged in this amount.

Certainly, if there ever was an honest claim, it is this one. This man should be refunded that money for every reason in the world, because it was not due to any negligence of his. He wanted to do the right thing, and the Government is responsible for the error, and nobody but the Government is responsible for the error. Therefore, it is an obvious case of justice, where this man should have this money handed back to him that was erroneously paid to the Government.

Mr. TRUAX. I will say to my friend and colleague from Indiana that it is with extreme regret that I must object to his bill. Had the gentleman been on the floor yesterday and today all the time, he would have noted that on several occasions bills embodying the same principle, although for much larger amounts of money, have been objected to. The report of the Secretary of the Treasury Mellon, in the closing paragraph, says:

In view of the foregoing and in fairness to other taxpayers whose claims for refund have been denied on the same grounds, the Department is unable to lend its approval to the proposed bill.

I have already taken the position and so stated on several occasions, that when Mr. Mellon, that champion refunder of all refunders, refuses to refund, then, there is evidently not much merit in the claim.

Mr. LUDLOW. On the statements of fact as I have made them here, does the gentleman not think that if this transaction had been between ordinary private citizens, one citizen would hand the money back to the other, when it was overpaid? Certainly, he would. It would simply be common honesty to do so, and the Government ought to be as honest as its citizens.

Mr. TRUAX. I will say to the gentleman that, as previously stated, I think the refunding of income taxes paid 10 or 12 years ago, and the credit abatements that go along with them, is the worst and most costly racket that has ever been practiced on this Government. The taxpayers and the Government have been robbed of millions of dollars through that practice.

There were thousands of illegal refunds made by Secretaries of the Treasury. If I had it within my power, I would stop the practice today of refunding any taxes paid during a preceding calendar year.

Mr. LUDLOW. The gentleman's remarks have no pertinency whatever, as attached to this bill, because there is no doubt about the facts of this bill. There was an overpayment of taxes through no fault of the taxpayer but through the fault of an agent of the Government.

Mr. TRUAX. That is the claim made with reference to other bills, as well as the gentleman's bill; and to the other bills I have already objected to.

Mr. LUDLOW. What is the purpose of these private bills if it is not to do justice in individual cases which cannot be reached by general rules and general laws?

Mr. TRUAX. Does the gentleman refer to the special cases dealt with in private bills?

Mr. LUDLOW. I say, What is the purpose of the Private Calendar if it is not to do justice in those instances which cannot be reached through generalization?

Mr. TRUAX. I would call the gentleman's attention to the procedure of passing bills on the Private Calendar. A Member introduces a bill, maybe not because he himself favors the bill but because he is practically forced to introduce it by a good constituent. The bill goes to the Committee on Claims and is referred to a subcommittee. The subcommittee reports it to the full committee and the full committee reports it to the House.

Mr. LUDLOW. I understand that, but let me ask the gentleman this one question: Disassociating this case entirely from all other income-tax refunds and considering it purely on its merits, does not the gentleman think it is a meritorious claim? As I stated a while ago, Homer J. Williamson took his figures covering the year 1918 and went to the Federal building at Indianapolis, and consulted a deputy collector, who prepared his return, which resulted in a tax of \$1,442.48. The deputy collector inadvertently and erroneously included in the closing inventory the items of accounts receivable amounting to \$5,000, and equipment and fixtures amounting to \$1,642.35, which made the closing inventory a total of \$15,302.15 when it should have been \$8,659.80, thus making an overpayment for 1918 in the sum of \$1,045.01.

Mr. Williamson relied upon the knowledge and the ability of the said deputy collector in the preparation of that return. His attention was not called to this error until July 5, 1924, when Revenue Inspector Earl D. Haley reported upon an examination of his records for the years 1919, 1920, and 1921. He is entitled to a refund. If he does not get it, I will just about conclude that there is no justice left in the world.

Mr. TRUAX. It might possibly be a meritorious claim if such claims could be called meritorious; but as stated before, in view of my position for the past 4 or 5 years of criticizing caustically Mr. Mellon for refunding income taxes going back as far as 1917 and 1918, war-profits taxes, taxes on incomes piled up by war profiteers, I cannot overlook this case.

Mr. ZIONCHECK. Mr. Speaker, I demand the regular order.

Mr. TRUAX. If I withdraw my objection in this case, I must do so for the gentleman from Michigan and the other gentlemen to whose bills I have objected.

Mr. Speaker, the regular order is demanded. The regular order is that I object.

RUBY F. VOILES

The Clerk called the next bill, H.R. 2438, for the relief of Ruby F. Voiles.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$75 to Ruby F. Voiles, which represents the amount of a reward she should have received for furnishing information leading to the apprehension of the criminals who held up and robbed a mail truck at the Dearborn Street Station, Chicago, Ill., on April 6, 1921.

With the following committee amendments:

Page 1, line 5, after "\$75", insert the following: "in full settlement of all claims against the Government of the United States."

Page 2, line 1, insert the customary attorneys' fee amendment, as follows: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

Mr. McGUGIN. Mr. Speaker, I move to strike out the last word of the bill.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

TREATMENT ACCORDED DR. WIRT HAS BEEN UNFAIR AND WITHOUT PRECEDENT

Mr. McGUGIN. Mr. Speaker, the first obligation upon the Membership of Congress is to retain public confidence in representative government. Confidence cannot be retained except that the representatives conduct themselves in absolute fairness in all public matters and toward all citizens who may have business before the Congress or any of its committees. In the matter of the select committee to investigate the charges presented by Dr. Wirt, I submit that the conduct of two members of the committee toward Dr. Wirt has been so obviously unfair that this committee can no longer retain the confidence and the respect of the people of the country. I refer to the treatment which has been accorded to Dr. Wirt by the chairman of the committee, Mr. BULWINKLE, and by another member of the committee, Mr. O'CONNOR.

In the House of Representatives on April 11, Mr. BULWINKLE said that if he had cared to go into the private character of Dr. Wirt, he would have brought out the fact that during the war on account of his pro-German activities he was confined in jail at Gary, Ind.

This statement is wholly false and has been completely repudiated by responsible citizens of Gary, Ind., including Democratic leaders, Rotary Club, Chamber of Commerce, Y.M.C.A., Teachers' Association, Federated Womens' Clubs, Catholic and Protestant ministers, and various mayors of the city during the past 20 years.

In the House of Representatives in open session on April 12, Mr. O'CONNOR, the ranking majority member of this committee, displayed public prejudice and bias toward Dr. Wirt in the most patent and obvious manner. His conduct was such as to condone the wholly false and malicious statement made against Dr. Wirt by the chairman, Mr. BULWINKLE.

Mr. O'CONNOR did this after he had a full and fair opportunity to know that the statements made against Dr. Wirt by Chairman BULWINKLE were false and malicious. Mr. O'CONNOR displayed obvious bias and prejudice against Dr. Wirt when he refused to permit me to put into the Record yesterday telegrams from citizens of Gary, Ind., which telegrams completely repudiate the false and defamatory statement of Chairman BULWINKLE that Dr. Wirt was in jail in Gary, Ind., for pro-German activities. Mr. O'CONNOR, in refusing to permit these telegrams to go into the Record, placed himself in a position where the public can reach but one logical conclusion, that is that his hatred for Dr. Wirt is so bitter that he is wholly unwilling for a false and malicious statement defaming the doctor's character to be corrected.

These telegrams were from Harry L. Arnold, for 19 years actively identified with the Democratic Party at Gary; H. B. Snyder, for 24 years a citizen of Gary and editor of the Post-Tribune; William F. Hodges, for 27 years personal attorney to Dr. Wirt and mayor of Gary during the war; Rev. Father Thomas Jansen, for 27 years pastor of a Catholic parish at Gary; H. S. Norton, president of the Gary Commercial Club and Chamber of Commerce; Harry Hall, for 27 years an acquaintance of Dr. Wirt, and worked under Dr. Wirt as chairman of war activities in Gary; and R. O. Johnson, the present mayor of Gary and mayor of Gary during the war.

No court of five judges would be permitted to pass judgment upon the statements of any witness, which court had so openly and flagrantly displayed its bias, prejudice, and hatred for the poor victim before it, should one of the five judges publicly make the false statement that the witness had been in jail for disloyalty and should another of the judges refuse to permit to be made public the irrefutable evidence that such defamatory statements against the witness were wholly false. Such conduct on the part of a court would not be unlike the treatment this committee has accorded to Dr. Wirt.

The people of the United States can have no confidence in the findings of this committee if those findings are to be made up by Members who have displayed the bias and prejudice against Dr. Wirt which has been openly displayed by Mr. BULWINKLE and Mr. O'CONNOR. From the standpoint of the House of Representatives, I realize that the great embarrassment is that if Mr. BULWINKLE and Mr. O'CONNOR do withdraw from the committee, they will have to be replaced by those appointed by the Speaker. That will bring up something else which will be shocking to the public confidence. The public cannot help but wonder about the Speaker's fairness and impartiality in making the new appointments. This is due to the fact that the Speaker was reported in the press as saying, before Dr. Wirt appeared before the committee, that Dr. Wirt would be put in jail if he did not testify. There was no occasion for that statement. Dr. Wirt had not refused to testify. There is only one logical construction which can be placed upon the Speaker's statement and that is that in advance the Speaker was undertaking to discredit Dr. Wirt before the people of the country.

There is still something else which is most embarrassing when the House of Representatives undertakes to correct this condition so that the public confidence can be retained in the absolute fairness of the House, which is that on Wednesday about 30 minutes after Mr. BULWINKLE had made the malicious statement that Dr. Wirt had been in jail at Gary, Ind., during the war, I took the floor as a mere courtesy, and as a matter of common justice, at the request of James A. Reed, the attorney for Dr. Wirt, and said:

The Honorable James A. Reed, former United States Senator, has just called me on the telephone and requested me to state to the House that the charge made a few moments ago by the gentleman from North Carolina [Mr. BULWINKLE] that Dr. Wirt had served a term in jail during the World War is wholly malicious and wholly false; that Dr. Wirt's record is clean and that he has never been arrested.

Mr. BYRNS, the majority leader, interrupted me with the statement:

I thought that we had agreed to quit and attend to the business of the House and not play petty politics on this floor while there is important business to attend to.

Now, the American people essentially like fair play. The American people cannot believe that there is fair play when the floor leader of this House makes a statement that it is petty politics for a Member to consume 1 minute of the time of the House in merely correcting a false and defamatory statement which had just been made upon the floor against a citizen of the country.

There is something else which is shocking to public confidence for which the House of Representatives is not to blame. I refer to the press report yesterday of Secretary Ickes when he undertook to discredit and defame Dr. Wirt before a press conference by making the charge that Dr. Wirt had been endeavoring to mulct from sacred Public Works funds money for his own personal benefit. Dr. Wirt has made the statement that this statement on the part of Secretary Ickes is false. Whether this statement be true or false, this much is obvious, that the real purpose of Secretary Ickes in making the statement at this time is to defame the character of Dr. Wirt and to discredit him. If, in this matter, Secretary Ickes' purpose had been to render a public service, he would have made public his statement of yesterday at the time that he, Ickes, claims Dr. Wirt tried to despoil this sacred Public Works fund, which was at a time before Dr. Wirt had made his public statement which is now so irritable to Secretary Ickes.

The public will understand that it is more pleasant for Secretary Ickes at this time to defame the character of Dr. Wirt in this manner than it would be for Secretary Ickes to appear before this committee to tell to the committee and to the country by what authority of law he used a million dollars of Public Works funds to purchase stock in a corporation known as the Electric Home & Farm Authority, incorporated under the laws of Delaware by the directors of the Tennessee Valley Authority, which corporation is authorized by its charter to manufacture, buy, sell, and deal

in electrical appliances, and goods, wares, and merchandise of every class and description necessary or useful for the operation of the corporation, also to lend money and to extend financial assistance and guarantee the obligations of individuals, firms, corporations, and others with or without security, also to borrow money and issue evidences of indebtedness of all kinds whether secured by mortgage, pledge, or otherwise without limit as to amount and also to purchase, deal with, or dispose of stocks, bonds, or other securities of any person, firm, association, trust, or corporation.

While it may be more pleasant for Secretary Ickes at this time to question the character of Dr. Wirt than it would be for him under oath to tell this committee and the country by what authority of law he is taking a million dollars of Public Works funds to buy the stock in a corporation authorized to do the things which this Delaware corporation is authorized to perform—and which will be done with Government money which was appropriated by Congress for the primary purpose of taking care of unemployment—yet I am quite certain that the public would much rather have Secretary Ickes come before the committee to tell by what authority of law a million dollars of Public Works money has been used for the purpose of purchasing the stock in such a corporation.

If it develops that there is no authority in law for Mr. Ickes, Public Works Administrator, to permit \$1,000,000 of Public Works funds to be invested in the stock of a corporation authorized to perform such business, then at least one statement in the charges of Dr. Wirt will have been proved conclusively, namely, that one high official in the executive department of the Government, none less than a Cabinet officer, is conducting his affairs without regard for the laws of the Republic under the Constitution.

In order for the American people to understand fully the magnitude of the effort to destroy the character of Dr. Wirt, I think that the people would be very much interested if they could have the full and complete report of a most important press conference in Washington on Wednesday morning. By a full report, I mean the "off the record" report as well as the record report. From the information which I have been able to receive, the off-the-record report includes the statement from one high in the executive circles:

I advise you to look into the private character and private life of Dr. Wirt. I am not in a position to tell it to you now.

The conduct of the chairman of the committee, the ranking majority member of the committee, the Speaker of the House of Representatives, the majority floor leader of the House of Representatives, and Mr. Ickes, a Cabinet officer, toward Dr. Wirt presents an issue far greater than the issue presented in the original Wirt charge. That issue is, Can an American citizen appear before a committee of Congress without being besmirched by members of the committee, the Speaker of the House of Representatives, the majority leader, and a Cabinet officer? This is an issue which leaves Dr. Wirt as a mere pawn in the game. If the time has come when any citizen, high or low in financial or social caste, white or black, Jew or Gentile, cannot appear before a committee of Congress under subpoena without his character being falsely and maliciously defamed, then the rights and liberties of the American citizens are gone. If that time has come, then the America of Washington, Jackson, Jefferson, Cleveland, Theodore Roosevelt, and Woodrow Wilson is dead. This is the real issue now involved in the controversy originally presented by Dr. Wirt.

If the American people of this generation have the courage of their patriotic fathers and mothers they will arise and stamp out the un-American and unconscionable treatment which has in the last few days been heaped upon Dr. Wirt by falsely defaming his character and his loyalty and patriotism to country. When the American people make this fight they will not alone be fighting to obtain justice for Dr. Wirt, they will be fighting to retain justice and liberty for themselves and their posterity.

Whenever the rights of the American citizens are completely restored, not only will an American citizen have the right to appear before a congressional committee under

subpena without his character being falsely defamed, but he will also have the traditional American right to make his opening statement to the committee and to have counsel in the usual American manner. Dr. Wirt has been denied both of these rights. When he was denied the right to make his opening statement, he was denied the right and privilege which has been enjoyed by all the hundreds and thousands of citizens who have heretofore appeared before congressional committees. He was allowed the right of counsel, but it was with the humiliating restriction that counsel could only propound questions after he had first presented his questions to the committee in writing. This was a most humiliating and un-American restriction. Its only purpose could be that the committee was afraid to permit the American people to know the questions which were propounded by the counsel and unduly to hamper the counsel in asking questions.

Mr. Speaker, in the speech yesterday by the gentleman from North Carolina [Mr. BULWINKLE], chairman of the select committee which is supposed to inquire into the charges made by Dr. Wirt, he said—

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. I thought we settled this Wirt matter yesterday. Now, the gentleman from Kansas is an entertaining speaker, and I should like to hear him on any other subject.

Mr. MCGUGIN. I think that is true.

Mr. BLANTON. But there ought to be an end here to this Wirt matter. We have referred that to a committee.

Mr. SIROVICH. Does the gentleman think the gentleman is going from bad to "Wirt"?

Mr. BLANTON. Yes; and vice versa.

Mr. MCGUGIN. Mr. Speaker, I refuse to yield.

Mr. BLANTON. If the gentleman is going to insist on delivering his eloquent address, I think he should have an audience to listen to him.

Mr. MCGUGIN. Mr. Speaker, I refuse to yield further and have my time taken away from me.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is not a quorum present, although I may withdraw it later.

Mr. MCGUGIN. The gentleman may make his point; let us have a good crowd.

Mr. BLANTON. Mr. Speaker, he moved to strike out the last word; we should like to hear the gentleman on the subject of "the last word", so I withdraw the point of order that there is not a quorum present in order that the gentleman from Kansas may discuss "striking out the last word."

Mr. BLANCHARD. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. The Chair will count. (After counting.) Evidently there is not a quorum present.

Mr. BYRNS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 126]

Abernethy	Carley, N.Y.	Fish	Kelly, Ill.
Adair	Carpenter, Nebr.	Fitzgibbons	Kennedy, Md.
Adams	Cary	Fitzpatrick	Kennedy, N.Y.
Aller	Cavichia	Flannagan	Kerr
Allgood	Celler	Foss	Kinzer
Andrew, Mass.	Chavez	Frear	Knutson
Ayres, Kans.	Cochran, Pa.	Fulmer	Kocialkowski
Bakewell	Condon	Gifford	Kurtz
Beam	Connery	Gillespie	Kvale
Beck	Connolly	Goldsborough	Lambertson
Berlin	Corning	Granfield	Lanzetta
Biermann	Crosby	Greenway	Lehlbach
Black	Crowther	Hamilton	Lemke
Boehne	Culkin	Hart	Lesinski
Bolleau	Cummings	Harter	Lewis, Colo.
Brennan	Darrow	Healey	Lewis, Md.
Britten	De Priest	Hess	Lloyd
Brooks	DeRouen	Hill, Knute	McCarthy
Brown, Ky.	Dockweiler	Hoepfel	McCormack
Browning	Douglass	Imhoff	McFarlane
Buckbee	Doutrich	Jacobsen	McKeown
Bulwinkle	Doxey	James	Milligan
Burke, Calif.	Duffey	Jeffers	Montague
Cannon, Mo.	Edmiston	Jenckes, Ind.	Montet
Cannon, Wis.	Edmonds	Jones	Moynihan, Ill.

Murdock	Randolph	Somers, N.Y.	Wigglesworth
Nesbit	Rayburn	Stalker	Wilcox
Norton	Reld, Ill.	Sullivan	Wilson
O'Brien	Reilly	Summers, Tex.	Withrow
O'Malley	Richards	Taylor, Colo.	Wolfenden
Oliver, Ala.	Rogers, Okla.	Taylor, Tenn.	Wood, Ga.
Oliver, N.Y.	Ruffin	Tobey	Woodruff
Owen	Sadowski	Treadway	Woodrum
Peavey	Sandlin	Underwood	Young
Perkins	Schaefer	Waldron	
Peyser	Sears	Wallgren	
Ramspeck	Simpson	White	

The SPEAKER. Two hundred and eighty-five Members have answered to their names. A quorum is present.

On motion of Mr. BYRNS, further proceedings under the call were dispensed with.

Mr. MCGUGIN. Mr. Speaker, am I recognized?

The SPEAKER. The gentleman from Kansas is recognized.

Mr. MCGUGIN. Mr. Speaker, in the first place, may I say to the Members of the House that I am not responsible for their being called over here.

In the speech yesterday of Mr. BULWINKLE, Chairman of the Select Committee—

Mr. BLANTON. Mr. Speaker, I make the point of order that the gentleman moved to strike out the last word. The last word is "1921." If the gentleman will confine himself to the subject, I shall not interrupt him any more, but we do expect him to confine himself to the subject.

Mr. MCGUGIN. Does the gentleman from Texas seriously object to my reading six telegrams from substantial citizens of Gary, Ind., stating that Dr. Wirt is an upright citizen and that he was never in jail, as was charged on the floor of this House yesterday?

Mr. BLANTON. What has that to do with the business of the Congress?

Mr. MCGUGIN. When did the gentleman from Texas decide to confine himself to the business of the Congress?

Mr. BLANTON. The gentleman knows that his speech has to be answered. That will take up more time. If he wants to put a prepared speech in the RECORD by extending his remarks, I shall not object.

Mr. MCGUGIN. Mr. Speaker, I do not yield further to the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, if the gentleman from Kansas desires to speak out of order, I ask unanimous consent that the gentleman may have 5 minutes to speak out of order and that I have 5 minutes to answer him.

Mr. O'CONNOR. Mr. Speaker, reserving the right to object.

Mr. BLANTON. I want some Democrat to answer the gentleman from Kansas.

Mr. O'CONNOR. Mr. Speaker, reserving the right to object, I understand there is a unanimous consent request before the House. As a member of the special committee, the gentleman from Kansas did me the honor yesterday of paying me a few compliments.

Mr. BLANTON. I yield the right to the gentleman from New York if he wants to answer the gentleman from Kansas.

Mr. O'CONNOR. I understand the gentleman from Kansas used 10 minutes. I imagine he will use at least 10 minutes today, according to the size of the manuscript he has before him. I do not now know whether I will dignify his speech with a reply, but I would like to have the opportunity and I ask unanimous consent to answer the gentleman for 10 minutes if I see fit, and I hope I do not see fit to answer him.

Mr. BLANTON. Mr. Speaker, I will modify my request and ask unanimous consent that the gentleman from Kansas be permitted to proceed for 10 minutes, that I be given 3 minutes to answer him, and that the gentleman from New York may have 10 minutes, if he desires.

Mr. SCHULTE. Mr. Speaker, I object.

Mr. MCGUGIN. Mr. Speaker, in the speech yesterday of Mr. BULWINKLE, chairman of the select committee—

Mr. BLANTON. Mr. Speaker, I make the point of order that the gentleman from Kansas is not confining himself to the subject, which is a motion "to strike out the last word."

Mr. TABER. Mr. Speaker, the gentleman has not proceeded far enough to determine that.

Mr. BLANTON. This motion to strike out the last word has nothing to do with the speech yesterday of Mr. BULWINKLE. I imagine the last word that will be said on "Dr. Wirt" will be at the next primary in Kansas.

The SPEAKER. The gentleman from Kansas will confine himself to a discussion of the pro forma amendment.

Mr. McGUGIN. I am sorry that those on the Democratic side do not see fit to let me read to the House six telegrams from Gary, Ind., which completely refute the slanderous statement made here yesterday against Dr. Wirt; but having already obtained permission to extend my remarks, I will simply include them in my remarks.

Mr. BLANTON. The gentleman cannot do that without permission.

Mr. McGUGIN. I already have permission.

Mr. O'CONNOR. Mr. Speaker, I make the point of order that under the rules of this House no one can insert anything in the RECORD, whether it is a telegram or not, without unanimous consent.

Mr. McGUGIN. I have already obtained unanimous consent.

Mr. O'CONNOR. To insert these telegrams in the RECORD? No!

Mr. Speaker, I make the point of order that no one can insert in the RECORD a document written by anybody else, or even read them on the floor, without unanimous consent as to those particular documents.

The SPEAKER. The gentleman from New York is correct. The Clerk is looking up now to see what the unanimous-consent request was.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. McGUGIN] be allowed to proceed for 5 minutes and that the gentleman from New York [Mr. O'CONNOR] may have 5 minutes to answer.

Mr. SCHULTE. Mr. Speaker, I object.

Mr. McGUGIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McGUGIN. What is the ruling of the Speaker? Am I denied the opportunity to put these telegrams in the RECORD?

The SPEAKER. The Chair is advised that the gentleman was given permission to extend his own remarks in the RECORD. Therefore the gentleman is denied permission to put the telegrams in the RECORD.

Mr. McGUGIN. Then, I will have to go over to the Senate and get them in.

Mr. RICH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICH. Is it possible that the Democratic gag rule here is going to be such as to not allow Republicans to put statements in the RECORD?

The SPEAKER. The gentleman does not state a parliamentary inquiry.

Mr. RICH. It is high time that the House of Representatives dignify itself with the business before it.

The SPEAKER. The gentleman is out of order.

Mr. McGUGIN. In the speech yesterday by Mr. BULWINKLE, chairman of the select committee, which is supposed to inquire into the charges made by Dr. Wirt, he said:

The gentleman from Kansas knows we are not prosecuting or persecuting Dr. Wirt; not in the least. He was not here to be investigated. If he had been, I would have gone into his private character. If he had been, I would have brought out from him the fact that during the war on account of his pro-German activities he was confined in the jail at Gary, Ind. I did not bring any of that before the committee. There was not the least bit of persecution of Dr. Wirt.

These were the exact words which Mr. BULWINKLE uttered upon the floor. I copied them from the original transcript as it came from the reporters. This statement is a bold, outright statement on the part of Mr. BULWINKLE when he said:

I would have brought out from him the fact that during the war on account of his pro-German activities he was confined in the jail at Gary, Ind.

When this speech was reported in the RECORD this morning I find that it has been changed to read as follows:

I would have brought out from him the fact that during the war whether or not, on account of his pro-German activities, he was confined in the jail at Gary, Ind.

The words "whether or not" were added to the original reporter's transcript of this speech. I submit that adding the words "whether or not" is a case of hedging on the bold and actual charge which was made on the floor by the gentleman from North Carolina. It is not only hedging but it is presenting a wholly unfair statement.

Supposing Mr. BULWINKLE had asked Professor Wirt this question: "Please tell us 'whether or not', on account of your pro-German activities, you were confined in the jail at Gary, Ind.?" If Dr. Wirt had answered "yes", it would have meant that he was in the jail at Gary, Ind., for pro-German activities. If Dr. Wirt had answered "no", it would have meant that he was not in jail for pro-German activities but in the jail at Gary, Ind., for something else. Any way he could answer such a question, he would have been left in the position of admitting that he was in the jail at Gary, Ind., notwithstanding the fact that he was never in jail.

Adding these words "whether or not" to the Bulwinkle statement as it was actually made on the floor is not unlike the insidious stock question which is frequently referred to, namely, Have you quit beating your wife? If the witness answers "no", of course, it is left as an established fact that he is still beating his wife. If he answer "yes", then it stands that he formerly beat his wife but has now quit. This, of course, leaves a witness who has never beaten his wife in a most embarrassing position.

It is not for me or any other member of the committee to be called upon to defend or bolster up Dr. Wirt. It is simply up to Dr. Wirt to make his statement and let the public be the judge.

The responsibility is upon me and every other member of the committee to insist that Dr. Wirt have the same square deal as should be accorded any witness appearing before a congressional hearing.

I submit that in the light of the record he has not had the fair, courteous treatment which should be accorded to any citizen appearing before a congressional hearing.

First, before Dr. Wirt came to Washington, the Speaker of the House was quoted in the papers as saying that if Dr. Wirt does not answer the questions presented, we will put him in jail. What occasion was there for such a statement from the Speaker of the House? Dr. Wirt had not said that he would not answer questions. The only possible purpose for such a statement from the Speaker would be to discredit in advance a witness in the eyes of the people.

Second, when Dr. Wirt appeared before the committee he had with him his counsel, the Honorable James A. Reed, former United States Senator from Missouri. Senator Reed was denied the opportunity to appear for Dr. Wirt with all the liberties and privileges which counsel for other witnesses have enjoyed.

Third, Dr. Wirt was denied the opportunity to make an opening statement. When Dr. Wirt was denied this opportunity he was denied a courtesy and a right which has been enjoyed by all the hundreds and thousands of other witnesses who have appeared before congressional committees.

Fourth, the majority members of this committee have refused to call all the people named in Dr. Wirt's testimony. They have refused to call Secretary of Agriculture Wallace and the Assistant Secretary of Agriculture Tugwell, both of whom were named by Dr. Wirt, and of whom there is documentary evidence to substantiate and prove the statements made by Dr. Wirt pertaining to these two gentlemen.

The denial to Dr. Wirt to have counsel in the usual sense, to make the usual and customary opening statement, and the refusal of the committee to subpoena all the people who were named by Dr. Wirt, including Secretary Wallace and Professor Tugwell, were done by the three majority members of the committee, over the protest of the two minority members.

When it is said that the committee has refused to do certain things in this matter, let it always be remembered that it has been the three majority members who have denied these rights, commonly extended to other witnesses, to Dr. Wirt, while the two minority members, Mr. LEHLBACH and I have insisted at all times that Dr. Wirt should have the right to make his opening statement, the right of counsel, including the right of his counsel to cross-examine anyone who refutes the statements of Dr. Wirt, and that all witnesses named by Dr. Wirt be called.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BLANCH BROOMFIELD

The Clerk called the next bill, H.R. 2518, for the relief of Blanch Broomfield.

Mr. HOLLISTER. Mr. Speaker, I object.

JOHN L. HOFFMAN

The Clerk called the next bill, H.R. 2556, for the relief of John L. Hoffman.

Mr. HOPE. Mr. Speaker, I object.

Mr. MEAD. Will the gentleman withhold his objection?

Mr. HOPE. I withhold it temporarily, Mr. Speaker.

Mr. MEAD. Mr. Speaker, I may say in explanation to my distinguished colleague that this claim affects a railroad employee who was going to his work on June 16, 1917, and was attacked by a soldier who was guarding a bridge. The soldier was intoxicated and attacked this railroad worker, who was on his way to his work. As a result of the injuries inflicted upon this man he was confined to his home from June 16 until July 23. The soldier was in the Federal service and was not a member of the National Guard at the time, and therefore no relief could be given by any State agency.

This man has suffered ever since this accident. He has a hole in the top of his head that did not heal and he has had to wear glasses because of impaired vision. It is possible that he may eventually lose his rights as a railroad trainman because of defective eyesight. The man is permanently injured and he is asking the only government that can consider his claim, the Federal Government, because it was a Federal officer who struck him down, to provide this relief.

I may also say that this soldier admitted in court that he was intoxicated and did not know anything about what he had done. He was sentenced to 6 months at hard labor for assaulting this worker and was dishonorably discharged from the Army on account of this attack.

Under the circumstances and because of the fact that this man has suffered so much and has waited so long for this meager measure of relief, I hope the gentleman will withdraw his objection.

Mr. HOPE. Mr. Speaker, I have found nothing in the report to indicate that this man has suffered any permanent injury or has suffered any severe injury of any sort.

Mr. MEAD. I have a letter here in my file that explains to the Secretary of War that his report was inaccurate and in no way conveyed the correct information to the committee, and I furnished the Secretary of War with a letter from the superintendent of the Lehigh Valley Railroad to disprove the one claim that the War Department made, which was that he was only away from his work 1 day. The records of the railroad company indicate that he was away from his work from June 17 until July 23.

The next objection was made when the bill came before the House a year ago. It was claimed then that the soldier was a member of the National Guard and that the State should pay the claim. I have a letter from the deputy attorney general of the State giving the day and date when the regiment was Federalized and indicating it was clearly and purely a Federal claim.

I have all the records here and I have answered every claim made by the War Department and I have given the committee every bit of evidence, and I may say further I have here such information as the gentleman may desire.

Mr. HOPE. I would have no objection to considering any evidence the gentleman may have, but the report of the committee is certainly very different from the statement of the gentleman.

Mr. MEAD. No; the report of the committee indicates he was away from work from June 16 until July 23. That is in the report of the committee.

Mr. HOPE. The report of the committee, however, furnishes no information whatever as to any permanent injury which this man may have suffered. I think that is a matter of very great importance, and if the gentleman has any evidence showing the existence of a permanent injury, I would be quite willing to consider it, and I am going to suggest that under the circumstances—

Mr. MEAD. The report of the committee indicates that this man has a serious injury. It goes on to say that he suffered an injury to his head and that he had stitches taken to sew up a wound on his head and that his right ear was also lacerated. It indicates that he suffered from dizzy spells, and that the soldier was intoxicated, was arrested, and found guilty and sentenced to serve 6 months.

Mr. HOPE. There is nothing in the report that I have been able to discover to show that this man suffered any permanent injury. If he did, of course, that alters the case considerably, and I am going to suggest to the gentleman that we permit this matter to be passed over for the present.

Mr. MEAD. If the gentleman will permit, here is an affidavit from Wayland W. Williams, an eyewitness, and here is another statement from the superintendent of the Lehigh Valley Railroad, and another one from Charles Benson. These were furnished to the committee and indicate not only the nature of the attack but the permanency of the injury to this man as well as the time he lost.

I know this man and I know that after a period of 12 or 15 years he is broken in health as a result of this injury. All that is requested for him in this bill is such money as will pay the actual expenses incurred, including the loss of time and medical treatment.

Mr. HOPE. Was there any medical evidence furnished the committee to show that his present condition of health is directly due to this attack?

Mr. MEAD. This occurred during the war. The evidence furnished the committee was submitted years ago. The evidence furnished at that time indicated that this man was permanently disabled. There was no objection and the claim was not questioned in this manner before. The only question brought up before was that this claim should be referred to the State. I took it up with the Attorney General and he advises that it is not a State case, because the regiment was federalized.

If I had known anyone was going to object today I would have furnished the information concerning his present physical condition.

This man is asking for only \$2,000 to reimburse him for the expenses involved in connection with the injury which resulted from a brutal attack on the part of an intoxicated soldier who confessed his guilt in court.

Mr. HOPE. Let me say to the gentleman that I was going to suggest that if he would accept an amendment reducing the amount to \$500, I would not object, but I do not think \$500 is enough if his injuries are as the gentleman has stated; but I would like to have time to make a further investigation as to the permanency of these injuries. So I am going to suggest that we let the bill be passed over for the present, and that the gentleman furnish me with such evidence as he may have to show the permanency of these injuries, and I shall agree to offer no objection if I am satisfied as to such injuries.

Mr. MEAD. I shall be very sorry if the gentleman objects at this time, because 2 years ago an objection was made, and that was about 14 years after the war was over, and was based on the alleged fact that this was a National Guard regiment.

I have furnished information to disprove that contention. Now, if objection is made again, it will probably go over for 2 years more.

The \$2,000 will only pay the doctor and hospital bills, and the expenses resulting from his loss of work. This is not a constituent of mine, but I know this man and I know the condition he is in. The bill only calls for a small amount of money, and I would like to have the gentleman withdraw his objection.

Mr. HOPE. The Private Calendar will be considered again shortly. I am willing to have it come up at the next call of the calendar, and if I find the facts to be as indicated by the gentleman, I shall be glad to help him get the bill through. But I would like to have time to look up the facts.

Mr. MEAD. There are several affidavits in the report.

Mr. HOPE. I have read the affidavits. If the facts are as the gentleman indicated, I think the man is entitled to the full \$2,000, but if not, I think \$500 is ample.

Mr. MEAD. Five hundred dollars would hardly pay him for loss of time on the railroad. The doctor who attended him has since died, and therefore it would be impossible to get an affidavit from him.

Mr. HOPE. Mr. Speaker, I ask unanimous consent that this bill be passed over for the present, and called up as the second bill on the next call of the Private Calendar.

The SPEAKER pro tempore (Mr. SIROVICH). Is there objection to the request of the gentleman from Kansas?

There was no objection.

JACOB DURRENBERGER

Mr. BACON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 339, a bill (H.R. 200) for the relief of Jacob Durrenberger. The gentleman from Ohio, through a misunderstanding, asked that it go over without prejudice. I have since talked to the gentleman and he stated to me that he has no objection to the bill.

The SPEAKER pro tempore. Is there objection to returning to Calendar No. 339?

There was no objection.

The SPEAKER pro tempore. Is there objection to the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Jacob Durrenberger, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000 as compensation for personal injuries caused as a result of an accident involving an Army vehicle at Jamaica, Long Island, N.Y., on September 16, 1929.

With the following committee amendments:

In line 6, strike out the words "as compensation" and insert in lieu thereof "in full settlement of all claims against the Government of the United States."

At the end of the bill add the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOSEPH A. MCCARTHY

The Clerk called the next bill, H.R. 2641, for the relief of Joseph A. McCarthy.

The SPEAKER pro tempore. Is there objection?

Mr. HOPE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

FRANK W. CHILDRESS

The Clerk called the next bill, H.R. 2651, for the relief of Frank W. Childress.

The SPEAKER pro tempore. Is there objection?

Mr. HOLLISTER. Mr. Speaker, I object.

Mr. SANDERS. Mr. Speaker, will the gentleman reserve his objection?

Mr. HOLLISTER. Yes.

Mr. SANDERS. The facts found by the committee are that this man was a rural-mail carrier, that he was serving a 20-mile route, but was paid for an 18-mile route. The report states that he earned \$1,191.18 more than he was paid. If the gentleman will look at the letter from the Post Office Department, the last one in the committee report, he will see that the Department does not advise against the bill; that is to say, they do not say that this is an unjust claim, but they say that it is not in the interest of efficient administration. In view of these facts, what objection has the gentleman to letting the bill go through?

Mr. HOLLISTER. Mr. Speaker, if I understand the bill correctly, here is the case of a mail carrier on a rural route who carried the mail over that route during a period of years, apparently well satisfied with his contract. After he severed his connection with the Government he discovered that during all that period he was traveling a little farther than he thought, and he comes in now and asks to be paid an additional amount of money because while he thought he was traveling only 18 miles, really, as a matter of fact, he was traveling a 20-mile route.

Mr. SANDERS. He was not responsible for that, because the Government determined the mileage.

Mr. HOLLISTER. I agree with my colleague about that, but it does not seem to me that this is a case where the Government is properly liable. It would open up discussion in a thousand cases, just as the Department says. It is not as if the man had made a claim and had been refused at the time, but after he severed his connection with the Government he discovered that he had traveled more miles than he thought he had.

Mr. SANDERS. The gentleman is not serious that he thinks there would be a thousand cases like this?

Mr. HOLLISTER. I am sure I do not know. I know only that the Department called attention to the fact that it would open up a very large field. I do not say that other claims would be on all fours with this, but it would open up cases where people had possibly done more work than they thought they had. I suggest the gentleman should introduce a general bill and take it up before the proper committee and decide whether such cases should be paid for. It has often seemed to me, in these individual cases, where a general principle is covered, that we should first find out whether the Congress wants to recognize the principle; and if so, consider the individual bills afterward.

Mr. SANDERS. I do not think the gentleman will find any parallel case to this, and I do not see the necessity for a general bill. Of course, if the gentleman insists upon his objection, that is all there is to it.

The SPEAKER pro tempore. Is there objection?

Mr. HOLLISTER. Mr. Speaker, I object.

D. F. PHILLIPS

The Clerk called the next bill, H.R. 2666, for the relief of D. F. Phillips.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and hereby is, authorized to consider and pass upon the application of D. F. Phillips, former rural free delivery carrier at Resaca, Ga., for the benefits of the Compensation Act approved September 7, 1916, on account of an injury occurring in the year 1919, notwithstanding the provisions of section 20 of said act requiring that all claims be filed within 1 year from the date of injury.

Mr. HANCOCK of New York. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: At the end of line 10, insert: "Provided, That no benefit shall accrue prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

PAUL I. MORRIS AND BEULAH FULLER MORRIS

The Clerk called the next bill, H.R. 2669, for the relief of Paul I. Morris and Beulah Fuller Morris.

The SPEAKER pro tempore. Is there objection?

Mr. TRUAX. Mr. Speaker, I reserve the right to object, to ask the gentleman from Georgia [Mr. TARVER] whether there is any legal liability upon the Government in this claim?

Mr. TARVER. Mr. Speaker, this bill is exactly, in principle, like one in favor of Leo Byrne passed during the Seventy-first Congress, except in that case the claimant was in training in the Reserve Officers' training camp, whereas this decedent was in training in the civilian military training camp. In this case the trainee died, as recognized by the War Department, as a result of exposure to meningitis while in training at Fort McClellan, Ala. The bill proposes to accord to his parents benefits they would have received had he died as a civilian employee of the Government in service of the Government as a result of the discharge of his duties. It is to my mind inconceivable that there could be any valid objection to it. It is, as I said, in line with the precedent already established, except that this man was a private and in the other case the man was an officer.

Mr. TRUAX. I asked the gentleman whether there was any legal liability and responsibility upon the part of the United States Government, and not merely for a precedent.

Mr. TARVER. I think there is a moral responsibility upon the part of the Government.

Of course, none of these bills would have to be introduced and considered by Congress if there were a legal way by which the claims could be collected without special legislation. It is on a parity with every other claim bill passed, as far as that particular feature of it is concerned.

Mr. HANCOCK of New York. Reserving the right to object, I think the gentleman is hardly accurate when he states that the bill in hand is identical in principle with the Byrne Act passed a year or two ago. In that case a young man named Byrne was attending an officers' reserve training camp and was injured during the training period. He was given pay and allowance not to exceed \$150.

Mr. TARVER. One hundred dollars a month?

Mr. HANCOCK of New York. No. A total of \$150.

Mr. TARVER. If the gentleman will examine the report, I think he will find it was \$100 a month.

Mr. HANCOCK of New York. I have the act before me. It is no. 470 of the Seventieth Congress, an act for the relief of Leo Byrne.

Mr. TARVER. I am sure the gentleman is mistaken, but if he has the act before him, of course that will show.

Mr. HANCOCK of New York. Well, I have the act right in front of me. It is a very short bill.

Mr. TARVER. The pay allowance in that case awarded to the claimant might not have been in excess of \$150, as the gentleman says. My impression is that the allowance was \$100 a month, but the difference in amount does not affect the principle involved.

Mr. HANCOCK of New York. In the case before us, the parents are asking for a pension, and, as the War Department points out, to do so would establish a precedent which would undoubtedly lead to many similar claims. It has never been done before, according to the War Department.

Mr. TARVER. It is not a precedent for this reason: The Byrne case is a precedent. In that case there was awarded what was considered to be fair compensation for the injury sustained by the trainee in service. That is what we are asking in this case. It makes no difference that the amount is different. The question involved is the same—that is, whether or not the Government should assume responsibility for damages incurred as the result of injuries sustained by a trainee in either the Reserve Officers' training camp or the civilian military training camp. It does not make any difference whether the amount is \$150 or \$1,500. The only

question is, Should the Government pay under those conditions?

Mr. TRUAX. Will the gentleman yield?

Mr. TARVER. Yes; I yield.

Mr. TRUAX. The precedent cited is the case of Leo Byrne?

Mr. TARVER. That is right.

Mr. TRUAX. In that case the Government paid the individual himself who had been injured?

Mr. TARVER. Correct.

Mr. TRUAX. In this case the parents of the individual are to be reimbursed. As I understand it, the War Department recommends the enactment of section no. 2, but not of section no. 1. Is that true?

Mr. TARVER. Section no. 2 relates only to the payment of the doctor's bills and the funeral expenses incurred by the father of the trainee in the amount of \$764. The War Department recommends the payment of that amount, and I apprehend, of course, there would be no objection to that in any event; but while the War Department does not recommend payment of the amount provided for in the first section of the bill, it offers, as I understand it, as its only objection, the fact that there is no law which authorizes such payment. That, of course, is true. If there were such a law it would not be necessary to enact one now. My position is that the Congress has already established a precedent by which the Government has recognized responsibility in such cases, and that in line with that precedent this legislation should properly be enacted.

Mr. HANCOCK of New York. Does the gentleman think it wise to pass special bills in preference to general legislation, considered in the committee and debated in Congress, to take care of an entire class of cases?

Mr. TARVER. I think it would be wiser to handle the question by general legislation, but until action is taken by Congress looking toward that end, it occurs to me that Congress would not like a moral injustice, although, perhaps, not a legal injustice, to be done to the dependent parents of this deceased trainee. I think it is the purpose of Congress, in passing bills on the Private Calendar, to take care of individual instances not provided for under general law, where a moral injustice might result if it were not done.

Mr. HANCOCK of New York. It is a very inequitable and unsatisfactory way of doing business.

Mr. TARVER. I quite agree with the gentleman. I think it should be done by general legislation, but, pending consideration by Congress of general legislation, it seems to me we should endeavor to do equity in each individual case as it may be presented to us.

Mr. HANCOCK of New York. I remember a similar bill about a year ago in behalf of a trainee in a citizens' military training camp in Texas, where objection was made. If we are to follow precedents, that is one that I recall, which would justify an objection to this bill.

Mr. TARVER. I am not familiar with the precedent stated by the gentleman. No doubt that is correct, but I do not recall the case.

Mr. TRUAX. In this bill, the report states that this youth, between 17 and 18 years of age, contributed slightly to the support of the family. I assume that this pension is for what he would have contributed had he lived for a period of 8 years.

Mr. TARVER. That is correct.

Mr. TRUAX. The gentleman thinks the pension mentioned, of \$15 a month, would be proper and sufficient to cover whatever his contribution would have been?

Mr. TARVER. I doubt if it would be enough to cover what his contribution might have been, but it is in line with the allowance usually made by the Compensation Commission in similar cases.

Mr. HANCOCK of New York. Is the gentleman from Ohio willing to take the responsibility along with me of establishing a precedent of paying pensions to parents of boys injured at training camps? That is the question that is put up to us squarely.

Mr. ZIONCHECK. What about the boys in the C.C.C. camps?

Mr. HANCOCK of New York. They are covered by general law. The Federal Employees' Compensation Act applies to the men employed in the C.C.C. camps.

Mr. TARVER. That is the question we were discussing a while ago. We have no general law here, and for that reason must deal with these individual cases by special acts. But is there not every justification for saying that if such responsibility should be assumed by the Government in the case of employees in C.C.C. camps it should likewise be held at least morally responsible in the case of the training camps?

Mr. HANCOCK of New York. There is general law covering the C.C.C. camps. I call the gentleman's attention to this statement in the report of the War Department:

The payment of compensation to parents of citizens' military training camp students is not authorized by existing law under any circumstances. The War Department does not favor the payment of such compensation in this case. To do so would establish a precedent which would undoubtedly lead to many similar claims.

Mr. TARVER. It is not a case of setting a precedent, for the precedent has already been established; but it must be recognized by the gentleman that the justice of the proposition is settled if we agree that it is just that the Government should pay similar compensation in the cases of employees in the C.C.C. camps, there can be no valid distinction made.

Mr. HANCOCK of New York. I understand there is a law covering the compensation of men injured in C.C.C. camps.

Mr. TARVER. There is; and, therefore, it is not necessary to pass special bills. In the case under consideration it is necessary to pass a special bill in order that justice may be done by reason of the fact that Congress has not passed a general law.

Mr. TRUAX. Mr. Speaker, would the gentleman from Georgia be willing to agree to a unanimous consent request that this bill be passed over until the next call of the Private Calendar in order that we may investigate?

Mr. TARVER. I would, of course, be compelled to accede to the gentleman's request should he insist upon it; but let me point out to the gentleman that this boy died 4 years ago, and this bill has been reported favorably to every Congress since that time by the Claims Committee. We have now reached the bill for consideration. If there is further delay it renders less probable the passage of the bill through the Senate. The parents of this deceased boy are in very distressed circumstances. They have waited almost 4 years. It seems clear that the bill, in spirit, is in accordance with previous actions of the House, and I sincerely trust the gentleman will not insist upon his suggestion.

Mr. TRUAX. I may say to the gentleman from Georgia that I have understood that perhaps bills on the Private Calendar may be considered tomorrow, or, if not tomorrow, at least very soon.

Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice until the next call of the Private Calendar.

Mr. TARVER. Mr. Speaker, reserving the right to object, the gentleman means, I hope, that it shall be assigned third place on the calendar at the next call?

Mr. TRUAX. That is right.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ADA T. FINLEY

The Clerk called the next bill, H.R. 2673, for the relief of Ada T. Finley.

Mr. HANCOCK of New York. Mr. Speaker, reserving the right to object, the bill in its present form is practically a direction to the Compensation Commission to find that the claimant is entitled to compensation and to pay her whatever amount the law allows. I think the bill should be so amended as to leave open for determination by the Com-

pensation Commission the question of whether or not the claimant sustained the injuries complained of in the performance of her duties.

Mr. TARVER. I want to be perfectly frank with the gentleman from New York. The bill is intended to be mandatory in its provisions. The case has already been considered by the Employees' Compensation Commission. A claim was filed by the claimant within the time allowed by law.

The insistence in this case is that the undisputed evidence in the files shows clearly that the claimant's disability of valvular heart trouble, while existing in a mild form upon her employment by the Government was severely aggravated during the time of employment which was as a follow-up nurse for the then Veterans' Bureau from 1920 to 1926.

It is a question which involves a matter of policy. I would not have the gentleman consent to the passage of this bill upon the theory that the bill asks merely permission for the claimant to present her case to the Employees' Compensation Commission, since it is intended, as I have said, to give mandatory instructions to the Commission to allow the claim.

Mr. HANCOCK of New York. That is the way the bill reads?

Mr. TARVER. Yes.

Mr. HANCOCK of New York. I understood that the gentleman had a new theory upon which this claimant was to proceed, or that there was some new evidence and that he was merely asking that the Compensation Commission again take jurisdiction, because of the new developments since the previous determination.

Mr. TARVER. No.

Mr. HANCOCK of New York. I would have no objection to a rehearing, but I object to any bill which attempts to make of Congress a court of appeals, and which bill overrules the considered action of the Compensation Commission.

Unless the bill can be amended in order to be consistent I shall be obliged to object. I have objected to several similar bills.

Mr. TARVER. I call the gentleman's attention to the fact that evidence appears in the report in the form of an affidavit by Dr. J. D. L. McPheeters, the physician under whom the claimant did her work, in which he testifies as to the circumstances which led him, her superior officer, to believe that the aggravation of her disability was occasioned by the performance of her duty. Upon that affidavit, as well as upon other evidence which appears in the report, it seemed to me to be conclusive that the claimant's disability did arise because of her service; and since it seemed that the Commission had improperly refused compensation, I thought it was a proper subject matter for presentation to Congress by a special bill.

Mr. HANCOCK of New York. I read Dr. McPheeter's affidavit and understood that on the strength of his statements the gentleman hoped for a reversal of the previous decision of the Compensation Commission.

Mr. TARVER. No; that is not it.

Mr. MILLARD. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded; is there objection to the present consideration of the bill?

Mr. HANCOCK of New York. Mr. Speaker, I object.

ALBERT H. JACOBSON

The Clerk called the next bill, H.R. 2803, for the relief of Albert H. Jacobson.

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. TRUAX. Then, I object to the bill, Mr. Speaker.

JAMES B. CONNER

The Clerk called the next bill, H.R. 3056, for the relief of James B. Conner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement of all claims against the United States Government, the sum of \$2,500 to James B. Conner for the loss of his eye, sustained while performing his duties assigned to him in the mechanical shop of the Department of Agriculture.

With the following committee amendment:

Page 1, line 9, after the word "Agriculture", insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM J. RYAN

The Clerk called the next bill, H.R. 3066, for the relief of William J. Ryan, chaplain, United States Army.

Mr. HOLLISTER. Mr. Speaker, I object.

Mr. SUTPHIN. Will the gentleman reserve his objection?

Mr. HOLLISTER. I reserve my objection.

Mr. SUTPHIN. I understand this bill is the result of an accident which occurred in San Francisco several years ago when Father Ryan's car had a collision with an Army truck. His car was damaged to the extent of \$225, or whatever the bill calls for. The amount is recommended for payment by the Army Department. This bill has twice passed the Senate. Once before it has been objected to in the House.

Mr. TRUAX. Will the gentleman yield?

Mr. SUTPHIN. I yield to the gentleman from Ohio.

Mr. TRUAX. Who will be the recipient of this money?

Mr. SUTPHIN. Father William J. Ryan, who is a Catholic priest, stationed at Fort Hancock, N.J. He is not a resident of my district. He came in there only recently. This claim originated some years ago, when he was stationed on the Pacific coast, and I sincerely trust the gentleman will withdraw his objection.

Mr. TRUAX. This gentleman is a chaplain in the Army?

Mr. SUTPHIN. He is a priest in the Army at the present time.

Mr. HOLLISTER. While I appreciate the War Department has recommended favorable action on the bill, I am unable to see under what principle such a recommendation was made.

Mr. SUTPHIN. I may say in answer to the gentleman that I hope no personal prejudice enters into this in any way.

Mr. HOLLISTER. There is no personal prejudice of any kind on my part.

Mr. SUTPHIN. I know the gentleman is usually fair.

The SPEAKER. Is there objection?

Mr. HOLLISTER. I shall have to object unless the gentleman wants me to make a statement as to my reasons.

Mr. SUTPHIN. I wish the gentleman would.

Mr. HOLLISTER. Here is a case of injury to property by a Government vehicle, driven by a Government employee, but there is no evidence whatsoever of any negligence. It does seem to me that we should as far as possible confine allowances in these cases to the same situation where an ordinary private corporation would have been responsible under similar circumstances.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. HOLLISTER. I yield to the gentleman from New York.

Mr. DICKSTEIN. Has not the Committee on Claims considered all of these elements in connection with the question of negligence?

Mr. HOLLISTER. The committee may have.

Mr. SUTPHIN. This bill has passed the Senate twice and has been objected to in the House once before.

Mr. DICKSTEIN. If the only objection the gentleman has is whether or not the proof has been established as to contributory negligence, I think I can relieve the gentleman's mind.

Mr. HOLLISTER. There is no question of contributory negligence. It is simply a question of whether there is negligence on behalf of the Government employee, and this does not appear. Therefore, it does not seem to me right to allow the claim. I think the gentleman will find that the Committee on Claims occasionally reports bills out even though there is no negligence shown.

Mr. DICKSTEIN. Not to my knowledge, and I know something about the Claims Committee.

Mr. HOLLISTER. But the report so states.

Mr. SUTPHIN. The report also shows that the street was slippery when the truck and the car collided.

Mr. HOLLISTER. That is true.

Mr. SUTPHIN. We are not claiming any negligence, but nevertheless, the damage occurred, and the Chaplain is certainly entitled to reimbursement.

Mr. HOLLISTER. The gentleman perhaps misunderstood me. I understand his position, but we on this side and the gentlemen on the other side are taking the position that proof of damage alone is not sufficient; that in cases of this kind there must be the same proof of negligence as would permit recovery against a private corporation.

Mr. SUTPHIN. The gentleman is an able lawyer, and he knows the only redress a civilian has today where he incurs damage as the result of collision with an Army or Navy truck, whether it results in death or otherwise, is to come to Congress and have a bill for damages passed.

Mr. HOLLISTER. And we must treat them in the same way as they are treated in a court of law.

Mr. BLANTON. Will the gentleman yield?

Mr. HOLLISTER. I yield to the gentleman from Texas.

Mr. BLANTON. Relative to what the gentleman from New York said about bills passed in the Claims Committee, if the gentleman will get the bound volumes respecting claims that were taken up in the Sixty-fifth and Sixty-sixth Congresses in that committee, you will find a bound volume of minority reports that I filed myself against claims in that committee.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from New York. Some of them were pretty big bills, running into hundreds of thousands of dollars.

Mr. DICKSTEIN. I happen to be very high up on that committee, and I do not think the gentleman will find the committee reporting any bill that the committee did not have all the details.

Mr. BLANTON. This was before the gentleman's time.

Mr. DICKSTEIN. We do differently now.

Mr. BLANTON. The committee got into a bad practice back yonder and has not altogether got rid of the practice.

Mr. DICKSTEIN. We do not do that now. In all of these bills where there is negligence or contributory negligence involved we go into the question, and if there is any contributory negligence on the part of the claimant we kick the bill out.

Mr. BLANTON. It is lots easier to get a bill reported favorably by the Claims Committee than it is to get a bill to stop immigration reported out of the gentleman's committee.

Mr. DICKSTEIN. I hope the gentleman will not take up immigration, but will let us talk about this bill. The fact of the matter is that the Claims Committee is a hard-working committee and it seems to me that when that group reports out a bill after giving the matter consideration and finding it has merit, it is very hard that one man should get up here and object to it.

Mr. BLANTON. Any committee that reports out hundreds of bills during each session is a hard-working com-

mittee. It is the large number of bills they report favorably that makes the committee hard working.

Mr. DICKSTEIN. Does the gentleman know how many bills are denied a favorable report? The gentleman does not believe every bill is reported out of the committee?

Mr. SUTPHIN. May I ask the gentleman from Ohio if this is not constructive negligence?

Mr. HOLLISTER. May I ask the gentleman to give me a definition of constructive negligence?

Mr. SUTPHIN. I shall have to refer the gentleman to one of my lawyer friends.

Mr. BRUMM. May I say to the gentleman that that is a principle of law that is as old as the hills.

Mr. HOLLISTER. I shall have to apologize to the gentleman for not being familiar with the term.

Mr. BRUMM. It is very familiar in Pennsylvania under the common law. If there are three parties and the third or innocent party suffers by the act of one of the parties, although there is not absolute negligence in the ordinary sense, as between the two parties, the one who commits the act is negligent under what is known as "constructive negligence."

Mr. HOLLISTER. The gentleman means he is negligent, whether he is negligent or not?

Mr. BRUMM. He is negligent under the law, and that principle is as old as the hills.

Mr. HOLLISTER. I am afraid I do not understand that theory of law.

Mr. BRUMM. Here is an actual case in Pennsylvania. I am driving a car and there is a young girl in the way, and to turn out and save the life of that young girl I strike a third party, a man who is coming along on that side of the road. I am guilty of negligence as to the third or innocent party.

Mr. HOLLISTER. Of course, that is not this case.

Mr. BRUMM. I understand that it is.

Mr. SUTPHIN. The truck slid and hit this chaplain's car and damaged it to the extent of \$225, and I trust the gentleman will give this bill his favorable consideration, because it is a very meritorious claim.

Mr. MILLARD. Mr. Speaker, I demand the regular order.

Mr. HOLLISTER. Mr. Speaker, I object.

C. K. MORRIS

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent to return to the bill (H.R. 2322) for the relief of C. K. Morris. This bill is no. 255 on the calendar, and on April 3 there was an agreement between the gentleman from Ohio [Mr. HOLLISTER] and me that it would be agreeable to return to this bill.

Mr. ZIONCHECK. Mr. Speaker, reserving the right to object, I would like to find out the nature of the bill to which the gentleman from Texas wants to return.

Mr. KLEBERG. This is a bill to which the objector, the gentleman from Ohio [Mr. HOLLISTER], requested me to provide him with some legal authority to establish the connection between the master and servant in this case, which involves an Army truck that collided with a passenger vehicle driven by the claimant, Mr. Morris.

Mr. ZIONCHECK. I have no objection to having a demonstration of legal talent at this time, Mr. Speaker.

The SPEAKER pro tempore (Mr. SIROVICH). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the title of the bill.

Mr. HOLLISTER. Mr. Speaker, reserving the right to object, does the gentleman from Texas wish to make a statement?

Mr. KLEBERG. Yes; I would like to call my friend's attention to the request he made on the last private calendar day when this bill was up. The gentleman stated he would like to have some authority on the principle involved in this bill which, in the first place, does not show definitely that the soldier was driving the truck within the scope of his employment.

I would call the gentleman's attention to the fact that in the case of *McClung v. Dearborn* (134 Penn. State 396) it was stated:

It was the master's duty, not only to give orders in such a case, but to see that the orders were obeyed.

Judge Cooley, on torts, states:

It is immaterial to the master's responsibility that the servant at the time was neglecting some rule of caution which the master had prescribed or was exceeding his master's instructions or was disregarding them in some particular and that the injury which resulted is attributable to the servant's failure to observe the directions given him.

In this case the servant was ordered to turn in the truck at half past 3 in the afternoon. The accident occurred at 5 o'clock in the afternoon. The soldier was found in a drunken condition and was fined in the city court for being drunk and disorderly and for driving recklessly at the time the accident occurred.

Now, with reference to the deviation, whether or not he was still on the job, it is perfectly clear that the pilot that goes out of his route is still acting within the master's liability. A servant, while he makes a deviation for purposes of his own, must remain liable, even though he drives out of the more direct road for purposes of carrying out his master's orders.

In the case of *Gibson against Dupre*, it was held that the liability of the master is not affected by slight deviations of the servant for his own ends when about the business of the master.

The servant, prior to the accident and after he had obtained that for which he had been sent, had gone upon an errand of his own. The jury having found that the accident occurred while the servant was acting within the scope of his employment the finding was approved.

In the case of the *Cleveland-Nehi Bottling Co. against Schenck* it was held:

Error is assigned to the refusal of the trial court to instruct the jury that, if the collision resulted from Tucker's violation of his instructions, the appellant was not liable. No complaint is made of that part of the charge dealing with the measure of appellant's responsibility if the jury found that Tucker was intoxicated. The contention is that the taking of a drink by Tucker in violation of his instructions was such a deviation from his duty as to sever pro tempore the relationship of employer and agent and relieve appellant from liability for his negligent act of running the truck into the automobile. We cannot accept the affirmation of that proposition. Where the servant steps entirely aside from his duty and goes off to serve some purpose of his own, there is, of course, a severance for the time being of the responsible relationship of the master.

So here we have a clear case of deviation.

We know that in the case of the Army there is no place where discipline is more strict, no place where more of an effort is made to see that the orders are carried out. Had this man taken the truck back and thereafter gone out in it without orders and had an accident, nevertheless both he and the truck were in the service of the Army per se, and the question does not apply for the purposes for which he was given instructions but rather to the scope of the act as to its being in the service of the employer. Under this case, the master would still be held. It was the duty of the Department to see that the orders were obeyed. It was its added duty to see that its property, the truck in question, was not used *ad libitum* in the absence of express authorization.

In either case, merely the use of the truck by the soldier would have been sufficient to establish the master-and-servant connection, and if he in returning to turn the truck in got drunk en route, intoxication would not be a defense.

Mr. HOLLISTER. Mr. Speaker, the question of deviation, which the gentleman has argued so forcibly, is always a matter of degree. This seems to be one of those borderline cases where there is a question whether such deviation leaves the employee still in the scope of his employment. In such a case, I believe the doubt should be resolved in favor of the claimant. The gentleman has made such a forceful presentation of his case, that I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. K. Morris, San Antonio, Tex., the sum of \$3,450. Such sum shall be in full settlement of all claims against the United States on account of damages sustained by the said C. K. Morris due to personal injuries suffered by his wife and damages caused to his automobile by a collision with a United States Army truck in San Antonio on November 10, 1930.

With the following committee amendment:

Line 6, strike out "\$3,450" and insert "\$1,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

FRANK A. SMITH

The Clerk called the next bill, H.R. 3130, to extend the benefit of the United States Employment Compensation Act to Frank A. Smith.

The SPEAKER. Is there objection?

Mr. TRUAX. Mr. Speaker, I call the attention of the author of the bill to the fact that the Compensation Commission thinks that the case has equities, but does not think that the man should be paid compensation for that period while he was working; that is, between November 15, 1922, and September 30, 1924. If the gentleman is willing to accept that as a recommendation to go along with the bill, I have no objection.

Mr. BURNHAM. Mr. Speaker, this bill merely gives the claimant the right to file his claim with the Compensation Commission. The bill does not call for compensation in any amount. I would be willing, however, to have that amendment embodied.

Mr. HANCOCK of New York. Mr. Speaker, will the gentleman accept the amendment containing the usual proviso that no benefit shall accrue prior to the passage of the act?

Mr. BURNHAM. Certainly.

Mr. TRUAX. Would the gentleman agree to have this recommendation of the Commission inserted as a part of the report upon the bill?

Mr. BURNHAM. What objection would there be to passing the bill merely giving the claimant the right to file his claim with the Compensation Commission? The statute of limitations had run against him. He did not file his claim within 1 year. He endeavored to continue to serve with the Navy, without any thought of filing a claim for compensation.

Mr. TRUAX. Mr. Speaker, I think the gentleman has given a good explanation of that feature which I mentioned, and it probably will be taken care of when it goes before the Commission. I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties and for other purposes", approved September 7, 1916, as amended, are hereby waived in favor of Frank A. Smith, a former employee of the War Department.

Mr. HANCOCK of New York. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

At the end of the bill insert: "Provided, That no benefit shall accrue prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN W. BARNUM

The Clerk called the next bill, H.R. 3146, for the relief of John W. Barnum.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission is hereby authorized and instructed to receive and determine the claim of John W. Barnum, a former employee of the United States Shipping Board, without regard to the limitation of time within which such claims are to be filed under the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended.

Mr. BLANCHARD. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLANCHARD: At the end of the bill insert: "Provided, That no benefit shall accrue prior to the approval of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

RUFUS HUNTER BLACKWELL, JR.

The Clerk called the next bill, H.R. 3188, for the relief of Rufus Hunter Blackwell, Jr.

Mr. HOLLISTER. Mr. Speaker, I object.

PETROLIA-FORT WORTH GAS PIPE LINE

The Clerk called the next bill, H.R. 3293, to provide for the settlement of damage claims arising from the construction of the Petrolia-Fort Worth gas pipe line.

The SPEAKER. Without objection, a similar Senate bill, S. 2315, will be substituted for the House bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to transmit to the General Accounting Office for payment, in accordance with the approved findings contained in the report rendered by Lt. Ira P. Griffin, Civil Engineer Corps, United States Navy, to the Navy Department under date of July 29, 1921, all unpaid claims for rights-of-way and damages to private property sustained in connection with the construction on behalf of the United States during the years 1918 and 1919, of a gas pipe line extending from Petrolia to Fort Worth, Tex.

Sec. 2. That the Secretary of the Navy is also authorized to transmit to the General Accounting Office for payment the claim of W. S. Wakeman in the sum of \$65 in addition to the sum for said claimant approved in the above-mentioned report.

Sec. 3. That acceptance by any claimant of an amount offered for settlement pursuant to this act shall be deemed to be in full settlement of his claim against the United States.

Sec. 4. No payment shall be made to any claimant under the provisions of this act who has received satisfaction from any other source for the damages sustained due to the laying of said gas pipe line.

Sec. 5. That there is hereby authorized to be appropriated for the purposes of this act, out of any money in the Treasury not otherwise appropriated, the sum of \$7,356.75.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

WHITE B. MILLER

The Clerk called the next bill, H.R. 3295, for the relief of the estate of White B. Miller.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of White B. Miller, former special assistant to the Attorney General, the sum of \$25,000 in full satisfaction of the claim of said estate against the United States for compensation for legal services rendered by the said White B. Miller on behalf of the United States in connection with the tax litigation involved in the Cannon against Bailey cases, a final report of which litigation was rendered by the deceased on March 14, 1929.

With the following committee amendment:

Page 2, line 3, after the figures "1929", insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount

appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF RUSSELL & TUCKER

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent that Calendar No. 373, H.R. 2340, for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas, be made no. 4 on the next day the Private Calendar is called. It so happened that I was unavoidably absent from the Chamber at the time the bill came up. I have an agreement with the gentleman from Kansas [Mr. HOPE], who had an amendment that he wished to offer to the bill. I ask unanimous consent that this bill be made no. 4 on the calendar the next day the Private Calendar is called.

The SPEAKER. Without objection, it is so ordered. There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. PARKER, for the remainder of the week, on account of urgent business.

THE PRIVATE CALENDAR

FRANKLIN SURETY CO.

The Clerk called the next bill on the Private Calendar, H.R. 3459, for the relief of the Franklin Surety Co.

Mr. TRUAX. Reserving the right to object, and I will not object, I would like to ask the distinguished leader when we are going to adjourn?

Mr. BYRNS. I had understood that we would adjourn right away, but the gentleman from Illinois says he has a bill.

Mr. BRENNAN. Reserving the right to object, I have been here all day waiting for this bill.

Mr. BLANTON. Well, Mr. Speaker, somebody else would want to take up his bill next. We had a tentative understanding we would quit at 4:30. The ones who work on this calendar have a great deal more to do than the Members who are present only to pass their private bills.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. Without objection, a similar Senate bill (S. 1076) will be substituted for the House bill.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claim of the Franklin Surety Co. for extra work performed in connection with the completion of contract of April 10, 1929, between the United States and the Wiglan Building Co., Inc., for remodeling the Government warehouse at New York, N.Y., and to allow thereon not to exceed \$11,725.71 in full and final settlement of all claims by the said Franklin Surety Co. against the United States arising out of said contract. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$11,725.71, or so much thereof as may be necessary, for payment of said claim.

With the following committee amendment:

At the end of the bill insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

ORDER OF BUSINESS

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that on tomorrow after the disposition of business on the Speaker's table and the special orders made or that may be made by the House, it may be in order to continue the call of bills unobjected to on the Private Calendar.

Mr. HOLLISTER. Mr. Speaker, I understood that there were six bills which it was agreed should be taken up at the beginning of the next call of the Private Calendar. I have no objection to considering these bills, but I am wondering whether the gentleman has given any thought to the work involved in preparing the bills on the Private Calendar and that we have had 2 steady days of the Private Calendar.

Mr. BYRNS. I may say to the gentleman that I have not. I realize a great volume of work and responsibility is entailed on the part of the gentlemen on both sides of the Chamber designated by the House to do this work.

I suggest that we proceed tomorrow until these gentlemen get ready to quit. I am sure the House will be disposed to quit at that time; but I should like to dispose of as many bills as can be disposed of.

Mr. BLANTON. Mr. Speaker, do we understand that at the close of business tomorrow the House will adjourn over until Monday?

Mr. BYRNS. That is the present intention.

Mr. BLANTON. Will not the gentleman submit that request now so we will know what we are going to do and arrange our program accordingly? Also, will not the gentleman state to the House that the District bill will not come up for consideration until Monday? This will stop a flood of inquiries.

Mr. BYRNS. The District appropriation bill, I may say, will not come up for consideration until next week. Whether it will come up Monday will depend upon the calendar for that day. Bills on the Consent Calendar will be considered, and bills will be considered under suspension of the rules. I had hoped that possibly the District bill might be called up on the afternoon of Monday.

Mr. BLANTON. But it will not be called up before next week?

Mr. BYRNS. No; it will not.

Mr. BLANTON. Why does not the gentleman ask now that when we adjourn tomorrow we adjourn until Monday, so we can arrange our program?

Mr. BYRNS. I have no objection to making that request.

Mr. SNELL. I may say to the gentleman from Tennessee that the Members charged with the preparation of bills on the Private Calendar have 10 bills ahead now.

Mr. BYRNS. Perhaps they will have another 10 bills by tomorrow.

Mr. HANCOCK of New York. That may be possible, but that will be about as much as we can do.

Mr. BYRNS. The only object in my insistence is that I had hoped we might complete the call of Private Calendar to give every Member who has a bill on it an opportunity to have his bill considered. Of course, we made good progress both yesterday and today, and I think that in two or three more meetings we can get through with this Private Calendar.

Mr. SNELL. So far we have been considering bills on the Private Calendar under the old rules. Does the gentleman expect to call them up under the regular rules of the House at any time during the session of the House?

Mr. BYRNS. Yes.

Mr. BLANTON. I think it was shown pretty conclusively that that rule was no good, for we spent a whole day under its operation and passed but four bills.

Mr. SNELL. The gentleman says it has been conclusively demonstrated to be no good. I disagree with him. I have a bill I should like to have considered. Many similar bills have

been passed since, and I should like to have that bill of mine fairly considered.

Mr. BLANTON. The gentleman might call it up under suspension of the rules.

Mr. SNELL. I will not ask that it be taken up under suspension of the rules.

Mr. BYRNS. At the present time the House is considerably ahead of the Senate in the matter of legislation. Of course, the Senate has the tax bill under consideration. It will have the tariff bill and possibly some other legislation. I am not saying that there will not be other legislation to come before the House which the committees have not reported; but I do think that we should get through with these bills, and then, as the gentleman from New York suggests, we may have an opportunity of considering the Private Calendar under the regular rules of the House. Then the gentleman from New York will have his day in court.

Mr. SNELL. I shall not object to the gentleman's request.

Mr. TRUAX. Mr. Speaker, reserving the right to object, why could we not have an understanding that we will consider say 25 bills on the Private Calendar and then adjourn?

Mr. BYRNS. I shall be very happy if we could consider that many.

Mr. HANCOCK of New York. Why not have it understood that we will adjourn at a certain hour? There is no telling how long it may take to consider a certain number of bills, I may say to the gentleman from Ohio.

Mr. TRUAX. That suits me.

Mr. BYRNS. I think we can arrange it satisfactorily without any objection on either side of the Chamber.

Mr. Speaker, I renew my request that after disposition of business on the Speaker's table tomorrow and following such special orders as may be pending before the House that we proceed with the call of the Private Calendar and consider bills unobjected to, beginning where we left off this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. WILSON. Mr. Speaker, I ask unanimous consent that after disposition of matters on the Speaker's desk tomorrow I may be permitted to address the House for 15 minutes.

Mr. TRUAX. Mr. Speaker, reserving the right to object, as I understand it, we are to consider the Private Calendar tomorrow following a 30-minute address by the gentleman from Missouri [Mr. SHANNON]?

Mr. BYRNS. That is true.

Mr. TRUAX. Then we are to have a 15-minute address by the gentleman from Louisiana?

Mr. BYRNS. Yes; if the request is granted.

Mr. TRUAX. Can we not consider a certain number of bills tomorrow?

Mr. BYRNS. No; but we will adjourn at a time satisfactory to the gentleman.

Mr. TABER. Mr. Speaker, I object to any more unanimous-consent requests at this time.

Mr. WILSON. Mr. Speaker, I have not taken up much of the time of the House, and this is a very important question.

Mr. TABER. Things have happened today indicating a disposition on the part of the majority to prevent the truth coming out.

Mr. BYRNS. The truth is what we want.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. TABER. I object, Mr. Speaker.

ADJOURNMENT OVER

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 163. An act for the relief of Capt. Guy M. Kinman;

S. 3022. An act to amend sections 3 and 4 of an act of Congress entitled "An act for the protection and regulation of the fisheries of Alaska", approved June 26, 1906, as amended by the act of Congress approved June 6, 1924, and for other purposes; and

S. 3209. An act limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in the case of United States of America against Weirton Steel Co., and other cases.

ADJOURNMENT

Mr. BYRNS. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 43 minutes p.m.) the House adjourned until tomorrow, Friday, April 13, 1934, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE PUBLIC LANDS

(Friday, Apr. 13, 10:30 a.m.)

Hearing in room 328, House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

405. Under clause 2 of rule XXIV, a letter from the chief scout executive of the Boy Scouts of America, transmitting, in accordance with the act of June 15, 1916, a copy of the Twenty-fourth Annual Report of the Boy Scouts of America (H.Doc. No. 301), was taken from the Speaker's table, referred to the Committee on Education, and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BROWN of Michigan: Committee on Banking and Currency. H.R. 8479. A bill to promote resumption of industrial activity, increase employment, and restore confidence by fulfillment of the implied guaranty by the United States Government of deposit safety in national banks; with amendment (Rept. No. 1230). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRUNNER: Committee on the Post Office and Post Roads. H.R. 9046. A bill to discontinue administrative furloughs in the Postal Service; without amendment (Rept. No. 1231). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANHAM: Committee on Public Buildings and Grounds. H.R. 8909. A bill to authorize the Secretary of the Treasury to amend the contract for sale of post-office building and site at Findlay, Ohio; with amendment (Rept. No. 1232). Referred to the Committee of the Whole House on the state of the Union.

Mr. STUDLEY: Committee on the Post Office and Post Roads. H.R. 7299. A bill to authorize the Post Office Department to hold contractors responsible in damages for the loss, rifling, damage, wrong delivery, depredation upon, or other mistreatment of mail matter due to fault or negligence of the contractor or an agent or employee thereof; with amendment (Rept. No. 1233). Referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of South Carolina: Committee on the Post Office and Post Roads. H.R. 7392. A bill to authorize the Post Office Department to hold railroad companies responsible in damages for the loss, rifling, damage, wrong delivery, depredation upon, or other mistreatment of mail matter due to fault or negligence of the railroad company or an agent or employee thereof; with amendment (Rept. No. 1234). Referred to the Committee of the Whole House on the state of the Union.

Mr. BROWN of Michigan: Committee on Banking and Currency. H.R. 7908. A bill to promote resumption of industrial activity, increase employment, and restore confidence by fulfillment of the implied guaranty by the United

States Government of deposit safety in national banks; with amendment (Rept. No. 1235). Referred to the Committee of the Whole House on the state of the Union.

Mr. KRAMER: Committee on Immigration and Naturalization. House Joint Resolution 288. Joint resolution to temporarily restrict habitual commuting of aliens from foreign contiguous territory to engage in skilled or unskilled labor employment in continental United States; with amendment (Rept. No. 1236). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BLACK: Committee on Claims. H.R. 519. A bill for the relief of the estate of Marcellino M. Gilmette; with amendment (Rept. No. 1202). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. H.R. 682. A bill for the relief of Floyd L. Walter; with amendment (Rept. No. 1203). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. H.R. 1284. A bill for the relief of Alena Barger; with amendment (Rept. No. 1204). Referred to the Committee of the Whole House.

Mr. SCHULTE: Committee on Claims. H.R. 2441. A bill for the relief of George R. Brown; with amendment (Rept. No. 1205). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. H.R. 4196. A bill for the relief of Helen Marie Lewis; with amendment (Rept. No. 1206). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. H.R. 4244. A bill for the relief of the Washington Post Co., with amendment (Rept. No. 1207). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. H.R. 4964. A bill for the relief of William A. Ray; with amendment (Rept. No. 1208). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H.R. 5019. A bill for the relief of H. A. Taylor; without amendment (Rept. No. 1209). Referred to the Committee of the Whole House.

Mr. SEGER: Committee on Claims. H.R. 5021. A bill for the relief of Frederick G. Barker; with amendment (Rept. No. 1210). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. H.R. 5289. A bill for the relief of Capt. George W. Steele, Jr., United States Navy; without amendment (Rept. No. 1211). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H.R. 5406. A bill for the relief of Charles E. Molster, disbursing clerk, Department of Commerce, and Dr. Louis H. Bauer, a former employee; without amendment (Rept. No. 1212). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. H.R. 5422. A bill for the relief of Bertha W. Lamphear; with amendment (Rept. No. 1213). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. H.R. 5443. A bill for the relief of John Henry Tackett; with amendment (Rept. No. 1214). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. H.R. 5857. A bill for the relief of Mrs. William G. Sirrine; with amendment (Rept. No. 1215). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. H.R. 5917. A bill for the relief of E. E. Heldridge; with amendment (Rept. No. 1216). Referred to the Committee of the Whole House.

Mr. SEGER: Committee on Claims. H.R. 5938. A bill for the relief of Francis M. Johnston; with amendment (Rept. No. 1217). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. H.R. 6247. A bill for the relief of Hugh G. Lisk; with amendment (Rept. No. 1218). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H.R. 7377. A bill for the relief of the McCune State Bank, of McCune, Kans.;

with amendment (Rept. No. 1219). Referred to the Committee of the Whole House.

Mr. SWANK: Committee on Claims. H.R. 8180. A bill for the relief of Mrs. Otto H. Reed; with amendment (Rept. No. 1220). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. H.R. 8554. A bill granting compensation to George S. Conway, Jr.; with amendment (Rept. No. 1221). Referred to the Committee of the Whole House.

Mr. BROWN of Kentucky: Committee on Claims. S. 1258. An act for the relief of Charles F. Littlepage; with amendment (Rept. No. 1222). Referred to the Committee of the Whole House.

Mr. BROWN of Kentucky: Committee on Claims. S. 1531. An act for the relief of Elizabeth Buxton Hospital; with amendment (Rept. No. 1223). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. S. 1692. An act for the relief of the Compagnie Generale Transatlantique; with amendment (Rept. No. 1224). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. S. 1693. An act for the relief of the International Mercantile Marine Co.; with amendment (Rept. No. 1225). Referred to the Committee of the Whole House.

Mr. O'BRIEN: Committee on Claims. S. 2664. An act for the relief of John F. Korbel; with amendment (Rept. No. 1226). Referred to the Committee of the Whole House.

Mr. O'BRIEN: Committee on Claims. S. 2677. An act for the relief of Samuel L. Wells; without amendment (Rept. No. 1227). Referred to the Committee of the Whole House.

Mrs. CLARKE of New York: Committee on Claims. S. 2709. An act for the relief of Trifune Korac; with amendment (Rept. No. 1228). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WALTER: A bill (H.R. 9087) to authorize the conveyance of certain Government land to the borough of Stroudsburg, Monroe County, Pa., for street purposes and as part of the approach to the Stroudsburg viaduct on State Highway Route No. 498; to the Committee on Public Buildings and Grounds.

By Mr. GOLDSBOROUGH: A bill (H.R. 9088) to provide for the examination and survey of waterway from Little Annesmessex River to Tangier Sound, Md.; to the Committee on Rivers and Harbors.

By Mr. SMITH of Virginia: A bill (H.R. 9089) to vest police powers in the health officer of the District of Columbia, his deputy, assistants, agents, and inspectors; to the Committee on the District of Columbia.

By Mr. GOLDSBOROUGH: A bill (H.R. 9090) to provide for the examination and survey of channel from George Island Landing, Md., to deep water in Chincoteague Bay; to the Committee on Rivers and Harbors.

By Mr. KENNEY: A bill (H.R. 9091) to amend the laws relating to proctors' and marshals' fees and bonds and stipulations in suits in admiralty; to the Committee on the Judiciary.

By Mr. McREYNOLDS: A bill (H.R. 9092) to authorize the Secretary of War to lend to the housing committee of the United Confederate Veterans 250 pyramidal tents, complete; fifteen 16-by-80-by-40-foot assembly tents; thirty 11-by-50-by-15-foot hospital-ward tents; 10,000 blankets, olive drab, no. 4; 5,000 pillow cases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; 10,000 bed sheets; 20 field ranges, no. 1; 10 field bake ovens; and 50 water bags (for ice water); to be used at the encampment of the United Confederate Veterans, to be held at Chattanooga, Tenn., in June 1934; to the Committee on Military Affairs.

By Mr. McSWAIN (by request): A bill (H.R. 9093) to authorize the Secretary of War to abandon or evacuate real

estate no longer required for cemeterial purposes in Europe, and for other purposes; to the Committee on Military Affairs.

By Mr. JEFFERS: A bill (H.R. 9094) to authorize adjudication of claims for yearly renewable term insurance pending on March 20, 1933, and to allow suit thereon in cases of final denial thereof; to the Committee on World War Veterans' Legislation.

By Mr. CHAPMAN: A bill (H.R. 9095) to authorize the coinage of 50-cent pieces in commemoration of the two hundredth anniversary of the birth of Daniel Boone; to the Committee on Coinage, Weights, and Measures.

By Mr. BANKHEAD: Resolution (H.Res. 329) for the consideration of House bill 3673, a bill to amend the law relative to citizenship and naturalization, and for other purposes; to the Committee on Rules.

By Mr. FREAR: Joint resolution (H.J.Res. 321) proposing an amendment of section 8, article I, of the Constitution; to the Committee on the Judiciary.

By Mr. McCORMACK: Joint resolution (H.J.Res. 322) to provide for the disposal of smuggled merchandise, to authorize the Secretary of the Treasury to require imported articles to be marked in order that smuggled merchandise may be identified, and for other purposes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURNHAM: A bill (H.R. 9096) for the relief of George Hall; to the Committee on Military Affairs.

By Mr. BRUNNER (by request): A bill (H.R. 9097) for the relief of the Sterling Bronze Co.; to the Committee on Claims.

By Mr. DIMOND: A bill (H.R. 9098) authorizing the sale and lease of certain lands near Homer, Alaska, for use in connection with the Jesse Lee Home; to the Committee on the Public Lands.

By Mr. HAMILTON: A bill (H.R. 9099) for the relief of T. R. Flinchum; to the Committee on Claims.

By Mr. HILL of Alabama: A bill (H.R. 9100) for the relief of Eva S. Padilla; to the Committee on Claims.

By Mr. JEFFERS (by request): A bill (H.R. 9101) to change the designation of Lefler Place to Second Place; to the Committee on the District of Columbia.

By Mr. KLEBERG: A bill (H.R. 9102) authorizing Capt. Virgil N. Cordero, United States Army, to accept the decoration of the Cross of Military Merit, First Class; to the Committee on Military Affairs.

Also, a bill (H.R. 9103) authorizing Capt. Timothy Sapia-Bosch, United States Army, to accept the decoration of the Order of Isabel the Catholic; to the Committee on Military Affairs.

By Mr. LAMNECK: A bill (H.R. 9104) for the relief of Jesse M. Miller; to the Committee on Military Affairs.

By Mr. MALONEY of Connecticut: A bill (H.R. 9105) for the relief of Albert Raphael Anastasio; to the Committee on Naval Affairs.

By Mr. SMITH of Washington: A bill (H.R. 9106) granting a pension to Lucy Leshar; to the Committee on Invalid Pensions.

By Mr. STOKES: A bill (H.R. 9107) for the allowance of certain claims for extra labor above the legal day of 8 hours at the Hog Island Shipyard, Philadelphia, Pa.; to the Committee on Claims.

By Mr. STRONG of Pennsylvania: A bill (H.R. 9108) granting a pension to Genevieve Rochester; to the Committee on Invalid Pensions.

By Mr. TAYLOR of South Carolina: A bill (H.R. 9109) for the relief of W. H. Hughs; to the Committee on Claims.

By Mr. THURSTON: A bill (H.R. 9110) granting an increase of pension to Martha J. Wick; to the Committee on Invalid Pensions.

By Mr. WALDRON: A bill (H.R. 9111) for the relief of Mary C. Derbyshire; to the Committee on Naval Affairs.

By Mr. WELCH: A bill (H.R. 9112) to amend the naval record of Ralph Timothy Sullivan; to the Committee on Naval Affairs.

By Mr. WOLFENDEN: A bill (H.R. 9113) to authorize the appointment of Joseph W. Cavanagh, former lieutenant, Supply Corps, United States Navy, to such grade and rank on the active list, and for other purposes; to the Committee on Naval Affairs.

By Mr. WOODRUM: A bill (H.R. 9114) granting a pension to Blanche F. O'Beirne; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3806. By Mr. BOYLAN: Resolution unanimously adopted at the annual meeting of the Catholic Club of the city of New York, urging the passage of House bill 8301 which will be helpful in reinstating WLWL back to its former standing in the broadcasting field by permitting it an adequate number of hours on the air; and also favoring amendment offered in Senate Interstate Commerce Committee to section 301 of the Radio Act; to the Committee on Interstate and Foreign Commerce.

3807. By Mr. BRUNNER: Petition of Court Columbia, No. 45, Catholic Daughters of America of New York City, favoring support of Senate bill 2910, section 301, presented on March 15, 1934, by Radio Station WLWL, New York City; to the Committee on Merchant Marine, Radio, and Fisheries.

3808. Also, petition of sundry citizens of Queens County, N.Y., favoring support of Senate bill 2910, section 301, presented on March 15, 1934, by Radio Station WLWL, New York City; to the Committee on Merchant Marine, Radio, and Fisheries.

3809. Also, petition of Ridgewood Council, No. 1814, Knights of Columbus, Fresh Pond Road and Catalpa Avenue, Brooklyn, N.Y., favoring support of Senate bill 2910, section 301, presented on March 15, 1934, by Radio Station WLWL, New York City, N.Y.; to the Committee on Merchant Marine, Radio, and Fisheries.

3810. By Mr. CHASE: Resolution of A. L. Ruud, chairman of the County Board of Clay County, Minn., approving appropriations for highway work in the various States; to the Committee on Roads.

3811. Also, petition of J. C. Willis and sundry citizens of St. Paul, Minn., advocating modification of the National Securities Exchange Act of 1934 in its present form, or postponing its consideration until the next session of Congress, so as to afford additional time for a more equitable law to be framed; to the Committee on Interstate and Foreign Commerce.

3812. Also, resolution of the Council of the City of Minneapolis, Minn., favoring continuance of Civil Works Administration program, in lieu of Relief Works Administration program; to the Committee on Appropriations.

3813. Also, petition of sundry citizens of Freeborn County, Minn., urging continuance of Civil Works Administration employment program, or some other Federal activity; to the Committee on Appropriations.

3814. By Mr. DICKSTEIN: Petition of David A. Mahoney and many other citizens of New York City, favoring the discontinuance of payless furloughs for postal employees; to the Committee on the Post Office and Post Roads.

3815. By Mr. DUNN: Petition of numerous voters of the Thirty-fourth Congressional District of Pennsylvania, regarding employment in the post offices in the United States; to the Committee on the Post Office and Post Roads.

3816. By Mr. GOODWIN: Petition of Climax Grange, No. 1437, Coxsackie, Greene County, N.Y., favoring the 5-percent tax on butterfat substitutes; to the Committee on Ways and Means.

3817. By Mr. Haines: Resolution adopted by Orrstown (Pa.) Council, No. 195, Sons and Daughters of Liberty, urging restricted immigration; to the Committee on Immigration and Naturalization.

3818. By Mr. HILDEBRANDT: Resolution of the Mitchell Study Club, of Mitchell, S.Dak., urging support of House bill 6097 for supervision of motion pictures, known as the "Patman bill", and House resolution No. 144; to the Committee on Interstate and Foreign Commerce.

3819. By Mr. HOIDALE: Resolution of the City Council of the City of International Falls, Minn., protesting against the abandonment of the Civilian Conservation Corps camps in the county of Koochiching, Minn.; to the Committee on Appropriations.

3820. Also, resolution of the Junior Chamber of Commerce, Eveleth, Minn., demanding favorable action by Congress on the unemployment and social insurance bill now in the House Committee on Labor; to the Committee on Labor.

3821. Also, resolution of the American Legion Post, Moorhead, Minn., requesting introduction and support of legislation in Congress to waive all interest on loans made by the Government to ex-service men upon adjusted-compensation certificates; to the Committee on World War Veterans' Legislation.

3822. Also, resolution of the Northfield Lions Club, requesting Congress to enact legislation to permit fair competition between the railroads and water-transportation companies; to the Committee on Interstate and Foreign Commerce.

3823. Also, resolution of the City Council of the City of Minneapolis, Minn., petitioning the continuation of the C.W.A. program in the city at the rate of compensation paid under the regular union scale and on a 30-hour-week basis; opposing the use of forced labor in such public work; to the Committee on Appropriations.

3824. By Mr. JOHNSON of Minnesota: Resolution advocating further appropriations for public highways; to the Committee on Roads.

3825. Also, petition to make appropriations for the building of homes, and to provide construction of homes, and for other purposes; to the Committee on Banking and Currency.

3826. Also, resolution by the Upper Mississippi Waterway Association, favoring the passage of the plank in the Farmer-Labor platform calling for immediate completion of the 9-foot channel, in the Mississippi River; to the Committee on Rivers and Harbors.

3827. Also, resolution passed by the Land O'Lakes Creameries, Inc., urging a higher rather than a lower tariff revision; to the Committee on Ways and Means.

3828. Also, resolution by the Land O'Lakes Creameries, Inc., urging amendments to the Agricultural Adjustment Act; to the Committee on Agriculture.

3829. Also, resolution passed by the City Council of the City of St. Paul, Minn., urging the appropriation of additional funds to continue local projects throughout the United States; to the Committee on Appropriations.

3830. By Mr. KELLY of Pennsylvania: Petition of 1,135 citizens of the Thirty-first Congressional District of Pennsylvania, urging that National Recovery Administration principles be enforced in the United States Postal Service; to the Committee on the Post Office and Post Roads.

3831. By Mr. KENNEY: Petition of Vera Cruz Council, No. 647, Knights of Columbus, New York City, urging Members of Congress to support the amendment to section 301 of Senate bill 2910, providing for the insurance of equity of opportunity for educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations seeking licenses for radio broadcasting by incorporating into the statute a provision for the allotment to said non-profit-making associations of at least 25 percent of all radio facilities not employed in public use; to the Committee on Merchant Marine, Radio, and Fisheries.

3832. Also, petition of members of St. Paul's Parish, of the city of Jersey City, State of New Jersey, urging Senators and Representatives in Congress to support the amendment to section 301 of Senate bill 2910, providing for the insurance of equity of opportunity for educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations seeking licenses for radio broadcasting by incorpo-

rating into the statute a provision for the allotment to said non-profit-making associations of at least 25 percent of all radio facilities not employed in public use; to the Committee on Merchant Marine, Radio, and Fisheries.

3833. By Mr. McLEAN: Resolution of the common council of the city of Linden, N.J., approving in substance the Lundeen bill (H.R. 7598); to the Committee on Labor.

3834. By Mr. PEAVER: Petition of about 50 citizens of Ashland, Wis., favoring legislation to make it possible to pay off depositors of closed banks in full; to the Committee on Banking and Currency.

3835. By Mr. RICH: Petitions of citizens of Lycoming County, Pa., favoring continuance of the Civil Works program; to the Committee on Banking and Currency.

3836. By Mr. RUDD: Petition of the Thomas F. Malone Association, South Ozone Park, Long Island, N.Y., favoring the broadening of the Home Owners' Loan Corporation; to the Committee on Banking and Currency.

3837. Also, petition of the Globe Tile Co., Brooklyn, N.Y., opposing the passage of Senate bill 2616 and House bill 7659; to the Committee on Ways and Means.

3838. By The SPEAKER: Petition of Pennsylvania State Society of the National Society United States Daughters of 1812, for the enactment of legislation for the protection of their national emblem; to the Committee on the Judiciary.

SENATE

FRIDAY, APRIL 13, 1934

(Legislative day of Wednesday, Mar. 28, 1934)

The Senate met at 12 o'clock noon, on the expiration of the recess.

THE JOURNAL

On motion of Mr. HARRISON, and by unanimous consent, the reading of the Journal for the calendar days Tuesday, April 10, Wednesday, April 11, and Thursday, April 12, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Hatfield	Patterson
Ashurst	Costigan	Hayden	Pope
Bachman	Couzens	Hebert	Reynolds
Bailey	Cutting	Johnson	Robinson, Ind.
Bankhead	Davis	Keyes	Russell
Barbour	Dickinson	King	Schall
Barkley	Dill	La Follette	Sheppard
Black	Duffy	Lewis	Shipstead
Bone	Erickson	Logan	Smith
Borah	Fess	Loneragan	Stelwer
Brown	Fletcher	Long	Stephens
Bulkeley	Frazier	McGill	Thomas, Okla.
Bulow	George	McKellar	Thomas, Utah
Byrd	Gibson	McNary	Thompson
Byrnes	Glass	Metcalf	Townsend
Capper	Goldsborough	Murphy	Vandenberg
Caraway	Gore	Neely	Van Nuys
Carey	Hale	Norris	Wagner
Clark	Harrison	Nye	Walcott
Connally	Hastings	O'Mahoney	Walsh
Coolidge	Hatch	Overton	White

Mr. LEWIS. I announce the absence of the Senator from Arkansas [Mr. ROBINSON], occasioned by illness in his immediate family.

I desire further to announce that my colleague, the junior Senator from Illinois [Mr. DIETERICH], is detained by an important engagement in his State; that the Senator from Nevada [Mr. PITTMAN] is necessarily detained from the Senate; and that the Senator from Maryland [Mr. TYDINGS], the Senator from Nevada [Mr. McCARRAN], the Senator from Florida [Mr. TRAMMELL], the Senator from California [Mr. McADOO] are likewise detained on official business; and the Senator from Montana [Mr. WHEELER] is absent on account of illness. I ask that these announcements may stand for the day.